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House of Representatives

The House met at 9 a.m. and was called to order by the Speaker pro tempore (Mr. SHERWOOD).

DESIGNATION OF SPEAKER PRO TEMPORE

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

WASHINGTON, DC,
July 11, 2000.

I hereby appoint the Honorable DON SHERWOOD to act as Speaker pro tempore on this day.

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

MESSAGE FROM THE SENATE

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

H.R. 4577. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 4577) ''An Act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2001, and for other purposes,'' requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GORTON, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. KYL, Mr. DOMENICI, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUYE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Mrs. FEINSTEIN, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 311. An act to authorize the Disabled Veterans' LIFE Memorial Foundation to establish a memorial in the District of Columbia or its environs, and for other purposes.

MORNING HOUR DEBATES

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

The Chair recognizes the gentleman from Minnesota (Mr. GUTKNECHT) for 5 minutes.

TRIBUTE TO HARRIET RESSLER

Mr. GUTKNECHT. Mr. Speaker, I rise today to pay tribute to a very special woman. A few weeks ago, Harriet Ressler celebrated her 60th year in business. Sixty years ago, she opened a women's clothing store in Blooming Prairie, Minnesota, named Harriet's Dres-Wel. That was back in 1940.

Mr. Speaker, I might just say that Harriet just celebrated her 86th birthday as well. She started back then with only one employee who came in to cover the lunch hour and got paid 50 cents a day. She now has 10 employees and the business has expanded to two buildings. Up until 2 weeks ago, she worked 6 days a week.

Mr. Speaker, in a world that some say is dominated by glass ceilings, Harriet Ressler is living proof that America is still the land of opportunity.

As Paul Harvey would say, ''Harriet, lead on.''

CONGRESS SHOULD ADDRESS THE LIVABILITY OF AMERICAN COMMUNITIES

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

Mr. BLUMENAUER. Mr. Speaker, we have reached the time in our political calendar when both parties are looking towards their convention as a time to set a tone, to chart a course, and to identify the policies and priorities that a new administration might bring. Both parties are crafting their platforms in an effort to highlight the most appealing parts of their agendas and to attract voters.

At the same time, this Congress is moving towards its final few days, debating and voting on the legislation that will be our legacy. If we want to leave our mark on America's future, now is that time.

As one who came to Congress to help make our communities more livable, to make them places where families could be safe, healthy, and economically secure, I would urge my colleagues in both parties to take advantage of the opportunity we have to deal with these issues today, to get in step with the concerns and demands of millions of Americans who are concerned about the livability of our communities.

Last week, The Washington Post carried a front-page article detailing the political importance of these issues of liveability, sprawl, congestion and green space in California, our Nation's largest State.

After a decade of neglect, Californians are refocusing their attention and their tax dollars on green spaces, cleaner water, preservation of seacoast, mountains and the desert. This spring, State voters approved a $2.1 billion measure for better parks and conservation.

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In Los Angeles, which has only one-tenth of an acre of green space per 1,000 residents, the smallest amount of any major American city, the State is planning on spending $80 million to create parks and recreational land along the Los Angeles River.

It will also give some of the money from the bond proceeds to private groups to purchase and preserve open space. For instance, in Los Angeles, the Santa Monica Mountains Conservancy will get $35 million to purchase remaining open land around the city.

State action, however, is just the tip of the iceberg. In the past 2 years, almost 20 cities have approved restrictions on sprawl. And although this kind of sentiment might be expected in the traditional more ''activist'' areas of the State, it is being manifested across California.

Last month's Field Poll showed 70 percent of voters feeling it was very important to elect officials with strong environmental commitment. The Public Policy Institute of California found a majority of voters preferred to spend their State surplus on green space rather than tax cuts.

Even more telling is that a majority of voters in Los Angeles, in the Bay Area, and even in the Central Valley told pollsters they would favor initiatives to slow development, even if it meant slowing economic growth.

Mr. Speaker, as an advocate for livable communities, I do not believe that it is necessary at all to trade economic growth for sensible development policies. Intelligently using our resources and coaxing more value from the investments we make can make such false choices unnecessary.

In California, and throughout the country, officials at the State, local, and Federal level are beginning to understand the strong sentiment in favor of liveability. This is a movement that the people have already started. As Joe Edmiston of the San Monica Mountains Conservancy said, ''The public is far ahead of the politicians on this.''

Mr. Speaker, this is not just true in California, but nationwide. At the Federal level, we in Congress have a unique opportunity to advance these issues. The Federal Government is the Nation's largest landowner, tenant, and employer. From the military to the Post Office, from our vast public landholdings to our transportation infrastructure and the environmental partnership, we have all the tools we need.

Our actions have tremendous impacts on how Americans live, work, and travel. By working to make the Federal Government a better partner with the State and local governments, with business, individual citizens and community groups, we can make our cities and suburbs across America more livable communities and our families safer, healthier and more economically secure.

RECESS

The SPEAKER pro tempore. There being no further requests for morning hour debates, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m. today.

Accordingly (at 9 o'clock and 8 minutes a.m.) the House stood in recess until 10 a.m.

□ 1000

AFTER RECESS

The recess having expired, the House was called to order at 10 a.m.

PRAYER

Rabbi Linda Motzkin, Temple Sinai, Saratoga Springs, New York, offered the following prayer:

In the Talmud, we are taught that every human being should be cognizant of three things, ''know from whence you came, and where you are going, and before whom in the future you will be called to account.''

Honorable Representatives, you who serve in this House know from whence you came, from every geographic region across this great Nation. And you know that the decisions you make in this Chamber will shape where we all are going, all the men, women and children whom you represent, the people of every faith, race and background who comprise the great tapestry of humanity that is the source of our country's strength.

And so we pray to the Eternal God: May these men and women who serve their country be mindful that, in the future, they will be called to account, not only before the citizens they represent, and not only in the eyes of history, but before You, the God of all. May they be granted in their deliberations on this day a measure of Your wisdom and Your compassion. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. TRAFICANT) come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT 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.

RABBI LINDA MOTZKIN

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

Mr. SWEENEY. Mr. Speaker, I have the distinct pleasure to welcome Rabbi Linda Motzkin of the temple Mount Sinai in Saratoga Springs, New York, as she offered today's opening prayer.

Rabbi Motzkin was ordained by the Hebrew Union College Judiciary Institute of Religion in 1986. She has a BA in Hebrew Language from the University of California at Berkeley and an MA in Hebrew Letters from HUC–JIR.

Prior to her arrival at Skidmore in 1986, she taught the Judaic Studies department at the University of Cincinnati.

She is also coauthor of two Hebrew language textbooks, the First Hebrew Primer and Prayerbook Hebrew: The Easy Way.

In addition to serving as Skidmore's Jewish chaplain, she is co-rabbi, together with her husband, Rabbi Jonathan Rubenstein, of Temple Sinai of Saratoga Springs, a Reform Jewish congregation.

Rabbi Motzkin has a close relationship with all three local Jewish congregations and works to foster connections between Skidmore students and the local Saratoga Springs community, as well as all of those who live in New York's 22nd Congressional District.

Mr. Speaker, I am extremely pleased to have her here and welcome her participation today.

RELIGIOUS BIGOTRY IN FRANCE

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

Mr. PITTS. Mr. Speaker, the freedom to worship freely according to the dictates of one's conscience is one of the basic rights enshrined in the bill of rights and in similar documents around the world.

The European Convention on Human Rights is another document that guarantees freedom of religion, but the powerful socialist party in France has compiled a list of 173 denominations that it considers dangerous; they call them cults.

The socialist parliament is about to send legislation to President Chirac that would imprison any member of these denominations for up to 2 years for proselytizing or evangelism.

Who is on the list? Well, it includes the Jehovah's Witnesses, the Scientologists, but it also includes Baptists and other well-known evangelical denominations.

Mr. Speaker, the President and Vice President of the United States are both Southern Baptists. Were they to live in France and invite friends to church, they might be imprisoned for that under this proposed law.

The freedom of religion is threatened around the world, but not just in Third World countries.

Mr. Speaker, we must stand against bigotry of every kind, including religious bigotry.

INTERNATIONAL ABDUCTION

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

Mr. LAMPSON. Mr. Speaker, I rise today to continue delivering my 1-minute stories on the issue of international child adduction.

On October 22, 1994, after learning that she was going to lose custody of her children, Mrs. Isabel Felix Leon fled to Mexico with Margaret and William Leon Sandige.

At the time of the abduction, Margaret was 6 and William was 1. After the adduction, the children's father, William Sandige, was granted full custody; and warrants for the mother's arrest were issued. In November of 1995, the mother was arrested at a border crossing without the children and was released after revealing their location.

Under the Hague treaty, Mr. Sandige was awarded full custody of the children from the Mexican court system; however, the abductor appealed the decision to the Supreme Court and has blocked further progress on the case.

Mr. Speaker, Mr. Sandige's children are now 11 and 6 years old. They have spent 6 years apart from each other. It is time to end their separation and the separation of thousands of other parents and children who are being forced apart. It is time, Mr. Speaker, to bring our children home.

SAY ''I DO'' TO ELIMINATING THE MARRIAGE PENALTY TAX

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

Mr. GIBBONS. Mr. Speaker, currently when a couple goes to the altar and says, ''I do,'' they are saying I do to beginning a life together or starting a family and, unfortunately, to paying higher taxes.

How romantic, having a honeymoon at the IRS office. Mr. Speaker, earlier this year, the House passed the Marriage Penalty Tax Relief Act with overwhelming bipartisan support.

This week will again have the opportunity to demonstrate our commitment to marriage and the hope of the American family. It is simply unfair to penalize hard-working Americans like Brenda and Pete Williams in Nevada, with higher taxes only because they have made the wonderful decision to proclaim their love and get married.

Eliminating the marriage penalty tax will enable millions of middle-class families to save for their children's education, for a new home, and for their own retirement.

Mr. Speaker, it is time to help people like Brenda and Pete Williams and eliminate the marriage penalty tax and help these families come one step closer to realizing their American dream.

AMERICA DOES NOT NEED TO USE FEDERAL DOLLARS FOR SUBLIMINAL HITS THROUGH MEDIA

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

Mr. TRAFICANT. Mr. Speaker, Drug Czar McCaffrey has $1 billion to spend on media campaigns, but he settled for subliminal hits. First, the czar allowed TV networks to avoid the 50/50 match by incorporating antidrug messages in their programs. Now the czar wants to throw away more money this time in the movies. Unbelievable.

The borders are wide open. Heroin and cocaine are pouring across the border faster than Viagra at Niagara, and the drug czar wants subliminal hits in Hollywood.

Beam me up. America needs to stop drugs, cocaine and heroin, at our borders. And one thing America does not need is to start using Federal dollars to make subliminal hits on American citizens through the media. That is just what Communists do.

Mr. Speaker, I yield back all the drugs in Hollywood to boot.

MARRIAGE PENALTY TAX

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, today Americans are faced with the largest tax burden since World War II. What many people do not realize is that the Federal Government is really taxing American values. One of those values is marriage.

If we get married, the Federal Government punishes us. We pay more in taxes just because we said I do. When we say ''I do,'' it ought to be to your sweetheart, not to the IRS.

Our Federal Government should encourage, not discourage, marriage and families. Our sons and daughters who cannot afford to marry, never truly make a lifelong commitment to God and each other.

Republicans in the House have spent the past few years passing tax bills to eliminate the marriage penalty only to see a Clinton-Gore administration veto. Enough is enough.

We must repeal the tax on American values. Let us start by saying I do to repealing the marriage penalty tax.

MARRIAGE TAX PENALTY RELIEF ACT

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

Mr. BARTLETT of Maryland. Mr. Speaker, as we all know, it is the year 2000. But over the past few months, there has been some debate about when the new millennium actually begins. Some argue that the new millennium begins in 2000, while others argue that it does not technically begin until 2001.

But no matter what millennium we are living in, the marriage tax penalty makes no sense. How can the Government justify charging married couples an extra $1,400 in taxes just because they are married? The Marriage Penalty Tax Relief Act is a reasonable bill that will put some common sense back into our Tax Code.

Some people may continue to disagree about when the 21st century begins, but everyone can agree that working families should not pay extra taxes just because they are married. I hope my colleagues on the other side of the aisle will join us in delivering fairness to working families and voting yes on the Marriage Tax Penalty Relief Act.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

MOBILE TELECOMMUNICATIONS SOURCING ACT

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4391) to amend title 4 of the United States Code to establish nexus requirements for State and local taxation of mobile telecommunication services, as amended.

The Clerk read as follows:

H.R. 4391

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 ''Mobile Telecommunications Sourcing Act''.

SEC. 2. AMENDMENTS TO TITLE 4 OF THE UNITED STATES CODE.

(a) AMENDMENT RELATING TO THE STATES.—Chapter 4 of title 4 of the United States Code is amended by adding at the end the following:

''§ 116. Rules for determining State and local government treatment of charges related to mobile telecommunications services

''(a) APPLICATION OF THIS SECTION THROUGH SECTION 126.—This section through 126 of this title apply to any tax, charge, or fee levied by a taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunications services, regardless of whether such tax, charge, or fee is imposed on the vendor or customer of the service and regardless of the terminology used to describe the tax, charge, or fee.

''(b) GENERAL EXCEPTIONS.—This section through 126 of this title do not apply to—

''(1) any tax, charge, or fee levied upon or measured by the net income, capital stock, net worth, or property value of the provider of mobile telecommunications service;

''(2) any tax, charge, or fee that is applied to an equitably apportioned amount that is not determined on a transactional basis;

''(3) any tax, charge, or fee that represents compensation for a mobile telecommunications service provider's use of public rights of way or other public property, provided that such tax, charge, or fee is not levied by the taxing jurisdiction as a fixed charge for each customer or measured by gross amounts charged to customers for mobile telecommunication services;

''(4) any generally applicable business and occupation tax that is imposed by a State, is applied to gross receipts or gross proceeds, is the legal liability of the home service provider, and that statutorily allows the home service provider to elect to use the sourcing method required in this section through 126 of this title;

''(5) any fee related to obligations under section 254 of the Communications Act of 1934; or

''(6) any tax, charge, or fee imposed by the Federal Communications Commission.

''(c) SPECIFIC EXCEPTIONS.—This section through 126 of this title —

''(1) do not apply to the determination of the taxing situs of prepaid telephone calling services;

''(2) do not affect the taxability of either the initial sale of mobile telecommunications services or subsequent resale of such services, whether as sales of such services alone or as a part of a bundled product, if the Internet Tax Freedom Act would preclude a taxing jurisdiction from subjecting the charges of the sale of such services to a tax, charge, or fee, but this section provides no evidence of the intent of Congress with respect to the applicability of the Internet Tax Freedom Act to such charges; and

''(3) do not apply to the determination of the taxing situs of air-ground radiotelephone service as defined in section 22.99 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

"§ 117. Sourcing rules

''(a) TREATMENT OF CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES.—Notwithstanding the law of any State or political subdivision of any State, mobile telecommunications services provided in a taxing jurisdiction to a customer, the charges for which are billed by or for the customer's home service provider, shall be deemed to be provided by the customer's home service provider.

''(b) JURISDICTION.—All charges for mobile telecommunications services that are deemed to be provided by the customer's home service provider under sections 116 through 126 of this title are authorized to be subjected to tax, charge, or fee by the taxing jurisdictions whose territorial limits encompass the customer's place of primary use, regardless of where the mobile telecommunication services originate, terminate, or pass through, and no other taxing jurisdiction may impose taxes, charges, or fees on charges for such mobile telecommunications services.

"§ 118. Limitations

''Sections 116 through 126 of this title do not—

''(1) provide authority to a taxing jurisdiction to impose a tax, charge, or fee that the laws of such jurisdiction do not authorize such jurisdiction to impose; or

''(2) modify, impair, supersede, or authorize the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in sections 116 through 126 of this title.

"§ 119. Electronic databases for nationwide standard numeric jurisdictional codes

''(a) ELECTRONIC DATABASE.—

''(1) PROVISION OF DATABASE.—A State may provide an electronic database to a home service provider or, if a State does not provide such an electronic database to home service providers, then the designated database provider may provide an electronic database to a home service provider.

''(2) FORMAT.—(A) Such electronic database, whether provided by the State or the designated database provider, shall be provided in a format approved by the American National Standards Institute's Accredited Standards Committee X12, that, allowing for de minimis deviations, designates for each street address in the State, including to the extent practicable, any multiple postal street addresses applicable to one street location, the appropriate taxing jurisdictions, and the appropriate code for each taxing jurisdiction, for each level of taxing jurisdiction, identified by one nationwide standard numeric code.

''(B) Such electronic database shall also provide the appropriate code for each street address with respect to political subdivisions which are not taxing jurisdictions when reasonably needed to determine the proper taxing jurisdiction.

''(C) The nationwide standard numeric codes shall contain the same number of numeric digits with each digit or combination of digits referring to the same level of taxing jurisdiction throughout the United States using a format similar to FIPS 55–3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission, or their successors. Each address shall be provided in standard postal format.

''(b) NOTICE; UPDATES.—A State or designated database provider that provides or maintains an electronic database described in subsection (a) shall provide notice of the availability of the then current electronic database, and any subsequent revisions thereof, by publication in the manner normally employed for the publication of informational tax, charge, or fee notices to taxpayers in such State.

''(c) USER HELD HARMLESS.—A home service provider using the data contained in an electronic database described in subsection (a) shall be held harmless from any tax, charge, or fee liability that otherwise would be due solely as a result of any error or omission in such database provided by a State or designated database provider. The home service provider shall reflect changes made to such database during a calendar quarter not later than 30 days after the end of such calendar quarter for each State that issues notice of the availability of an electronic database reflecting such changes under subsection (b).

"§ 120. Procedure if no electronic database provided

''(a) SAFE HARBOR.—If neither a State nor designated database provider provides an electronic database under section 119, a home service provider shall be held harmless from any tax, charge, or fee liability in such State that otherwise would be due solely as a result of an assignment of a street address to an incorrect taxing jurisdiction if, subject to section 121, the home service provider employs an enhanced zip code to assign each street address to a specific taxing jurisdiction for each level of taxing jurisdiction and exercises due diligence at each level of taxing jurisdiction to ensure that each such street address is assigned to the correct taxing jurisdiction. If an enhanced zip code overlaps boundaries of taxing jurisdictions of the same level, the home service provider must designate one specific jurisdiction within such enhanced zip code for use in taxing the activity for such enhanced zip code for each level of taxing jurisdiction. Any enhanced zip code assignment changed in accordance with section 121 is deemed to be in compliance with this section. For purposes of this section, there is a rebuttable presumption that a home service provider has exercised due diligence if such home service provider demonstrates that it has—

''(1) expended reasonable resources to implement and maintain an appropriately detailed electronic database of street address assignments to taxing jurisdictions;

''(2) implemented and maintained reasonable internal controls to promptly correct misassignments of street addresses to taxing jurisdictions; and

''(3) used all reasonably obtainable and usable data pertaining to municipal annexations, incorporations, reorganizations and any other changes in jurisdictional boundaries that materially affect the accuracy of such database.

''(b) TERMINATION OF SAFE HARBOR.—Subsection (a) applies to a home service provider that is in compliance with the requirements of subsection (a), with respect to a State for which an electronic database is not provided under section 119 until the later of—

''(1) 18 months after the nationwide standard numeric code described in section 119(a) has been approved by the Federation of Tax Administrators and the Multistate Tax Commission; or

''(2) 6 months after such State or a designated database provider in such State provides such database as prescribed in section 119(a).

"§ 121. Correction of erroneous data for place of primary use

''(a) IN GENERAL.—A taxing jurisdiction, or a State on behalf of any taxing jurisdiction or taxing jurisdictions within such State, may—

''(1) determine that the address used for purposes of determining the taxing jurisdictions to which taxes, charges, or fees for mobile telecommunications services are remitted does not meet the definition of place of primary use in section 124(8) and give binding notice to the home service provider to change the place of primary use on a prospective basis from the date of notice of determination if—

''(A) if the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving such notice of determination; and

''(B) before the taxing jurisdiction gives such notice of determination, the customer is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the address is the customer's place of primary use;

''(2) determine that the assignment of a taxing jurisdiction by a home service provider under section 120 does not reflect the correct taxing jurisdiction and give binding notice to the home service provider to change the assignment on a prospective basis from the date of notice of determination if—

''(A) if the taxing jurisdiction making such determination is not a State, such taxing jurisdiction obtains the consent of all affected taxing jurisdictions within the State before giving such notice of determination; and

''(B) the home service provider is given an opportunity to demonstrate in accordance with applicable State or local tax, charge, or fee administrative procedures that the assignment reflects the correct taxing jurisdiction.

"§ 122. Determination of place of primary use

''(a) PLACE OF PRIMARY USE.—A home service provider shall be responsible for obtaining and maintaining the customer's place of primary use (as defined in section 124). Subject to section 121, and if the home service provider's reliance on information provided by its customer is in good faith, a taxing jurisdiction shall—

''(1) allow a home service provider to rely on the applicable residential or business street address supplied by the home service provider's customer; and

''(2) not hold a home service provider liable for any additional taxes, charges, or fees based on a different determination of the place of primary use for taxes, charges or fees that are customarily passed on to the customer as a separate itemized charge.

''(b) ADDRESS UNDER EXISTING AGREEMENTS.—Except as provided in section 121, a taxing jurisdiction shall allow a home service provider to treat the address used by the home service provider for tax purposes for any customer under a service contract or agreement in effect 2 years after the date of enactment of the

Mobile Telecommunications Sourcing Act as that customer's place of primary use for the remaining term of such service contract or agreement, excluding any extension or renewal of such service contract or agreement, for purposes of determining the taxing jurisdictions to which taxes, charges, or fees on charges for mobile telecommunications services are remitted.

"§ 123. Scope; special rules

''(a) ACT DOES NOT SUPERSEDE CUSTOMER'S LIABILITY TO TAXING JURISDICTION.—Nothing in sections 116 through 126 modifies, impairs, supersedes, or authorizes the modification, impairment, or supersession of, any law allowing a taxing jurisdiction to collect a tax, charge, or fee from a customer that has failed to provide its place of primary use.

''(b) ADDITIONAL TAXABLE CHARGES.—If a taxing jurisdiction does not otherwise subject charges for mobile telecommunications services to taxation and if these charges are aggregated with and not separately stated from charges that are subject to taxation, then the charges for nontaxable mobile telecommunications services may be subject to taxation unless the home service provider can reasonably identify charges not subject to such tax, charge, or fee from its books and records that are kept in the regular course of business.

''(c) NONTAXABLE CHARGES.—If a taxing jurisdiction does not subject charges for mobile telecommunications services to taxation, a customer may not rely upon the nontaxability of charges for mobile telecommunications services unless the customer's home service provider separately states the charges for nontaxable mobile telecommunications services from taxable charges or the home service provider elects, after receiving a written request from the customer in the form required by the provider, to provide verifiable data based upon the home service provider's books and records that are kept in the regular course of business that reasonably identifies the nontaxable charges.

"§ 124. Definitions

''In sections 116 through 126 of this title:

''(1) CHARGES FOR MOBILE TELECOMMUNICATIONS SERVICES.—The term 'charges for mobile telecommunications services' means any charge for, or associated with, the provision of commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999, or any charge for, or associated with, a service provided as an adjunct to a commercial mobile radio service, that is billed to the customer by or for the customer's home service provider regardless of whether individual transmissions originate or terminate within the licensed service area of the home service provider.

''(2) CUSTOMER.—

''(A) IN GENERAL.—The term 'customer' means—

''(i) the person or entity that contracts with the home service provider for mobile telecommunications services; or

''(ii) if the end user of mobile telecommunications services is not the contracting party, the end user of the mobile telecommunications service, but this clause applies only for the purpose of determining the place of primary use.

''(B) The term 'customer' does not include—

''(i) a reseller of mobile telecommunications service; or

''(ii) a serving carrier under an arrangement to serve the customer outside the home service provider's licensed service area.

''(3) DESIGNATED DATABASE PROVIDER.—The term 'designated database provider' means a corporation, association, or other entity representing all the political subdivisions of a State that is—

''(A) responsible for providing an electronic database prescribed in section 119(a) if the State has not provided such electronic database; and

''(B) approved by municipal and county associations or leagues of the State whose responsibility it would otherwise be to provide such database prescribed by sections 116 through 126 of this title.

''(4) ENHANCED ZIP CODE.—The term 'enhanced zip code' means a United States postal zip code of 9 or more digits.

''(5) HOME SERVICE PROVIDER.—The term 'home service provider' means the facilities-based carrier or reseller with which the customer contracts for the provision of mobile telecommunications services.

''(6) LICENSED SERVICE AREA.—The term 'licensed service area' means the geographic area in which the home service provider is authorized by law or contract to provide commercial mobile radio service to the customer.

''(7) MOBILE TELECOMMUNICATIONS SERVICE.—The term 'mobile telecommunications service' means commercial mobile radio service, as defined in section 20.3 of title 47 of the Code of Federal Regulations as in effect on June 1, 1999.

''(8) PLACE OF PRIMARY USE.—The term 'place of primary use' means the street address representative of where the customer's use of the mobile telecommunications service primarily occurs, which must be—

''(A) the residential street address or the primary business street address of the customer; and

''(B) within the licensed service area of the home service provider.

''(9) PREPAID TELEPHONE CALLING SERVICES.—The term 'prepaid telephone calling service' means the right to purchase exclusively telecommunications services that must be paid for in advance, that enables the origination of calls using an access number, authorization code, or both, whether manually or electronically dialed, if the remaining amount of units of service that have been prepaid is known by the provider of the prepaid service on a continuous basis.

''(10) RESELLER.—The term 'reseller'—

''(A) means a provider who purchases telecommunications services from another telecommunications service provider and then resells, uses as a component part of, or integrates the purchased services into a mobile telecommunications service; and

''(B) does not include a serving carrier with which a home service provider arranges for the services to its customers outside the home service provider's licensed service area.

''(11) SERVING CARRIER.—The term 'serving carrier' means a facilities-based carrier providing mobile telecommunications service to a customer outside a home service provider's or reseller's licensed service area.

''(12) TAXING JURISDICTION.—The term 'taxing jurisdiction' means any of the several States, the District of Columbia, or any territory or possession of the United States, any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision within the territorial limits of the United States with the authority to impose a tax, charge, or fee.

"§ 125. Nonseverability

''If a court of competent jurisdiction enters a final judgment on the merits that—

''(1) is based on Federal law;

''(2) is no longer subject to appeal; and

''(3) substantially limits or impairs the essential elements of sections 116 through 126 of this title;

then sections 116 through 126 of this title are invalid and have no legal effect as of the date of entry of such judgment.

"§ 126. No inference

''(a) INTERNET TAX FREEDOM ACT.—Nothing in sections 116 through this section of this title shall be construed as bearing on Congressional intent in enacting the Internet Tax Freedom Act or to modify or supersede the operation of such Act.

''(b) TELECOMMUNICATIONS ACT OF 1996.—Nothing in sections 116 through this section of this title shall limit or otherwise affect the implementation of the Telecommunications Act of 1996 or the amendments made by such Act.''.

(b) TECHNICAL AMENDMENT.—The table of sections of chapter 4 of title 4, United States Code, is amended by adding the following after the item relating to section 115:

''116. Rules for determining State and local government treatment of charges related to mobile telecommunications services.
''117. Sourcing rules.
''118. Limitations.
''119. Electronic databases for nationwide standard numeric jurisdictional codes.
''120. Procedure if no electronic database provided.
''121. Correction of erroneous data for place of primary use.
''122. Determination of place of primary use.
''123. Scope; special rules.
''124. Definitions.
''125. Nonseverability.
''126. No inference.''.

SEC. 3. EFFECTIVE DATE; APPLICATION OF AMENDMENT.

(a) EFFECTIVE DATE..—Except as provided in subsection (b), this Act and the amendment made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF ACT.—The amendment made by this Act shall apply only to customer bills issued after the 1st day of the 1st month beginning more than 2 years after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. NADLER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4391, as amended.

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

There was no objection.

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

Mr. Speaker, everyone recognizes that over the 10 previous years prior to this exact moment, there has been an explosion of use of wireless communications, mobile communications devices.

□ 1015

These are seen in every hallway in Congress, in every shopping mall in the country, and every place where there are more than two people. One can sense that wireless communications has reached a new plateau. It is estimated that some 80 million such devices are in constant use every single day even as we proceed here on this bill.

The problem has been one of a complex problem that local taxing authorities have not known how to proceed in levying the tax that they would by law, by their own ordinances, et cetera, be able to cast on such a wireless service.

Where should it be? Where the wireless communications originate or

where they fall into the receivers of the call itself, all the things in between that could account for the course that a wireless communication takes. So what to do?

What has happened here in this particular case, Mr. Speaker, is an example that we ought to be looking to more than just at a glance in many of the issues that come before us. We go to the source of the people that are involved in the very vexing problem about which we speak.

In this case, the wireless industry and the local taxing authorities got together and fashioned a way out of the jungle of taxation and complexity that they found themselves. So what they determined was that the place to be taxed would be where the receiver receives that particular call, and the taxing authority would be limited to that. That way, there would not be a proliferation of taxing authorities, nor of taxing acts on any part of the taxing community.

So we come to this moment ready to present a bill to the Congress that has been prepared for us by the goodwill of the wireless industry people and the taxing authorities who wanted to solve the situation without too much trouble.

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

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

Mr. Speaker, I rise in support of this legislation. I will not burden the House with a duplicate description of the legislation. The gentleman from Pennsylvania (Mr. GEKAS), the distinguished chairman of the subcommittee, has given us a very accurate and adequate description of what this legislation does.

We are dealing today with a complex interstate taxation issue, and we are dealing with it the right way. Industry and State and local governments have worked together for the last 2 years to formulate an intelligent and fair way to manage the taxation of wireless telecommunications dealing with such complex issues as sourcing, nexus, and the place of a customer's primary use.

All this work analysis and cooperation will ensure the calls which may be made in one jurisdiction but which are received in or passed through several others are not confronted with a thicket of taxing jurisdictions. It will simplify the process of tax collection without imposing any new taxes, all of this to the benefit of consumers, of the industry, and of taxing jurisdictions.

I hope we can take a lesson from the way in which this complex taxation issue has been handled and perhaps apply it to the Internet tax issue which, so far, has not been handled in this way but has been overly politicized with a result that none of the critical issues in that area have been resolved and may not be resolved for some time to come.

It is regrettable that the Internet tax bill was marked up in committee and voted on the floor at the behest of the leadership before a hearing was held. I am almost embarrassed to note that we only held our first hearing on the subject after that floor vote. Shooting first and asking questions later is no way to help foster a stable economic environment for the new economy.

By very complete contrast, the development of this legislation has been a model of cooperation and bipartisanship. Majority and minority staff worked with the States, with local governments, and with industry to perfect the bill introduced by the gentleman from Illinois (Chairman HYDE), the gentleman from Pennsylvania (Chairman GEKAS), the gentleman from Michigan (Mr. CONYERS), and myself.

I support this legislation, and I commend all of those who came together to make it a product that will be a credit to this Congress. I hope that the cooperation, common sense, and consensus which has shaped this legislation will have a positive influence on the Internet tax issue as we deal with that in the future.

Regardless, this is a good and a worthy bill. It has the support of State and local government as well as of the industry. It has been introduced by the bipartisan leadership of the Committee on the Judiciary and of the subcommittee, and I urge my colleagues to support it.

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

Mr. HYDE. Mr. Speaker, I am pleased to lend my support to this eminently sensible piece of legislation. Due to the mobile nature of cellular telecommunications, traditional methods of assessing and collecting sales and use tax on them do not work well. Because the tax on a cellular telephone call now varies depending on where the customer was located when it was initiated, each individual call must be tracked and matched up with a taxing jurisdiction. This makes it difficult for the cellular service provider to calculate the tax, and difficult for the state and local governments to monitor compliance. It also causes a customer's state and local tax assessment to change from month to month, depending on where the customer has traveled.

H.R. 4391 will provide customers with simpler billing for their wireless telephone calls, while preserving state and local authority to tax wireless services. It will reduce the chances that a wireless call might be taxed by more than one jurisdiction, and will simplify and reduce the costs of tax administration, both for the carrier and for the taxing authority. This should in turn lower the cost of wireless telecommunications services to the consumer.

I want to congratulate the wireless telecommunications industry and state and local governments for having found a mutually agreeable solution to this problem. I know that they have worked long and hard on this project over at least the last two years.

I also want to commend my colleague from Mississippi, CHIP PICKERING, for his leadership on this issue. Had it not been for his initiative in identifying this proposal as a worthy response to the growing complexities posed by taxing mobile telecommunications, we would not be here today. He has labored tirelessly—and successfully—to gain consensus on the bill and has worked closely with our committee to perfect the work which we have before us.

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

Mr. NADLER. Mr. Speaker, I have no requests for time, so I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4391, as amended.

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

The title of the bill was amended so as to read:

''A bill to amend title 4 of the United States Code to establish sourcing requirements for State and local taxation of mobile telecommunication services.''.

A motion to reconsider was laid on the table.

ADJUSTMENT OF STATUS OF CERTAIN SYRIAN NATIONALS

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4681) to provide for the adjustment of status of certain Syrian nationals, as amended.

The Clerk read as follows:

H.R. 4681

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

SECTION 1. FINDINGS.

The Congress finds as follows:

(1) President Bush and President Clinton successively conducted successful negotiations with the Government of Syria to bring about the release of members of the Syrian Jewish population and their immigration to the United States.

(2) In order to accommodate the Syrian Government, the United States was required to admit these aliens by first granting them temporary nonimmigrant visas and subsequently granting them asylum, rather than admitting them as refugees (as is ordinarily done when the United States grants refuge to members of a persecuted alien minority group).

(3) The asylee status of these aliens has resulted in a long and unnecessary delay in their adjustment to lawful permanent resident status that would not have been encountered had they been admitted as refugees.

(4) This delay has impaired these aliens' ability to work in their chosen professions, travel freely, and apply for naturalization.

(5) The Attorney General should act without further delay to grant lawful permanent resident status to these aliens in accordance with section 2.

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN SYRIAN NATIONALS.

(a) ADJUSTMENT OF STATUS.—Subject to subsection (c), the Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien—

(1) applies for adjustment of status under this section not later than one year after the date of the enactment of this Act or applied

for adjustment of status under the Immigration and Nationality Act before the date of the enactment of this Act;

(2) has been physically present in the United States for at least one year after being granted asylum;

(3) is not firmly resettled in any foreign country; and

(4) is admissible as an immigrant under the Immigration and Nationality Act at the time of examination for adjustment of such alien.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien—

(1) who—

(A) is a Jewish national of Syria;

(B) arrived in the United States after December 31, 1991, after being permitted by the Syrian Government to depart from Syria; and

(C) is physically present in the United States at the time of filing the application described in subsection (a)(1); or

(2) who is the spouse, child, or unmarried son or daughter of an alien described in paragraph (1).

(c) NUMERICAL LIMITATION.—The total number of aliens whose status may be adjusted under this section may not exceed 2,000.

(d) RECORD OF PERMANENT RESIDENCE.—Upon approval of an application for adjustment of status under this section, the Attorney General shall establish a record of the alien's admission for lawful permanent residence as of the date one year before the date of the approval of the application.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to applicants for adjustment of status under section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)).

(f) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—Whenever an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(g) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—The definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from New York (Mr. WEINER) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 4681, as amended.

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

There was no objection.

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

Mr. Speaker, in 1992, the Bush Administration successfuly negotiated with Syria to secure the release of persecuted Syrian Jews. To accommodate the Syrian Government, the U.S. was forced to admit the refugees on temporary visas and grant them asylum, rather than admitting them as refugees.

This arrangement resulted in long delays in adjustment to lawful permanent resident status, which in turn has impaired their ability to work in their chosen professions, travel freely, and apply for naturalization.

H.R. 4681, which ends this delay, was introduced by the gentleman from New York, my friend and colleague RICK LAZIO.

Congressman LAZIO's attention to the welfare of this once-persecuted community is admirable, and I urge my colleagues to support this bill.

Mr. Speaker, I yield to the gentleman from New York (Mr. LAZIO), and I ask unanimous consent that he be permitted to control the time for the balance of the debate.

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

There was no objection.

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

Mr. Speaker, I want to begin by thanking the gentleman from Pennsylvania (Mr. GEKAS), the chairman of the relevant subcommittee, for his leadership in allowing this bill to come to the floor, a bill that is of great importance in terms of both the sense of American justice and worldwide justice.

I also want to thank the gentleman from New York (Mr. WEINER) for his assistance in making sure that we got this bill to the floor.

Mr. Speaker, can one imagine a country where the Jewish community lives in an atmosphere of oppression and repression? Can one imagine a nation whose absolute ruler keeps his entire Jewish population in servitude and in slavery?

Mr. Speaker, I know we are here to discuss the question of Jews who have sought asylum in the United States from Syrian tyranny and terror, but I would like for a moment to mention a case from an earlier era, a case that applies timeless lessons that can be applied to the matter that we are discussing here today.

Yes, Mr. Speaker, the analogies between these two cases are instructive. The parallels are profound. The similarities are significant. Mr. Speaker, some 3,000 years ago, another Jewish community was held in bondage in a place called Egypt. Just as the Israelites were held hostage for years by Pharaoh, for years, the Syrian Jewish community served as a bargaining chip in a game of high stakes yet again. Pharaoh marshalled his army and marched and pursued, determined to enslave the Israelites again.

When the Syrian dictator Assad finally decided to let Syria's Jews leave for freedom, he imposed a condition on their departure, a condition that would continue to limit the lives of these Jews in their new home. Assad demanded that these Syrian Jews be allowed into the United States as asylum seekers rather than refugees. Assad made this demand for a reason. He was aware that the United States immigration law makes it far more difficult for those who are asylum status to become American citizens.

As a result, Mr. Speaker, the Jews who fled Syrian persecution to the United States exist in legal limbo today. Many of them have no green cards. Many of them cannot pursue their chosen professions because they live in an immigration no-man's land that is neither here nor there.

Mr. Speaker, just as the Pharaoh's spite and malice made him pursue the fleeing Israelites, Assad's animosity propelled the long arm of interference that prevents these Jewish asylum seekers from integrating into America's society.

Well, Mr. Speaker, we all know what happened to Pharaoh and his army. Now we have an opportunity to enact the legislative equivalent of the closing of the Red Sea. Let us wash away the last bonds of slavery imposed on these Syrian Jews by an unfair and unjust dictator. Let us allow the Syrian Jews who have sought refuge in America to taste fully fruits of freedom.

Mr. Speaker, the Talmud teaches us that whoever saves one life, he has saved the entire world. Mr. Speaker, we have saved these Syrian Jews from threats of violence, imprisonment, and torture. We saved these Jewish asylum seekers from the bitter servitude that was their lot in their native land. But, Mr. Speaker, the task is not complete. As long as these Jews are denied an equal chance for citizenship, they will not truly have been brought to freedom.

Mr. Speaker, we began this task, we brought these Jewish asylum seekers from a regime of oppression into the promised land of liberty. Let us finish the job and pass this bill. This bill will allow them to become the active participants in the American dream that all Americans wish for.

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

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

Mr. Speaker, I want to thank the gentleman from New York (Mr. LAZIO) for his great work on this bill. I also want to particularly thank the gentleman from Texas (Mr. SMITH), the chairman of the Subcommittee on Immigration and Claims.

I had originally offered a form of this bill in committee during the debate on the H–1B reform legislation, and the gentleman from Texas (Mr. SMITH) was kind in offering to help us make this issue a reality in some other form. I am glad that we are here on the floor to finally act on this.

Mr. Speaker, passage of this bill today will finally begin to bring closure for a group of Syrian Americans who have been persecuted for over 50 years.

In 1944, after Syria gained its independence from France, several of the first acts taken by the fledgling government were designed to persecute Syria's small 2,500-year-old Jewish minority. Jewish immigration to Palestine was prohibited. The teaching of Hebrew was severely restricted. Boycotts were ordered against Jewish businesses. When the partition of Israel was declared in 1947, mobs in Aleppo attacked the Syrian Jewish community; over 200 homes were destroyed. Scores of Jews were slaughtered and synagogues were literally torched. Thousands of Jews illegally fled Syria to go to Israel.

In the years since 1947, the Jews' situation in Syria worsened. They were not permitted to emigrate. Jews who did temporarily leave the country were forced to post an onerous monetary deposit and literally to leave family members behind so as to assure their return. In the past, Syrian secret police engaged in 24-hour-a-day surveillance of the Jewish quarter in Damascus. They kept a file on every Jewish person, monitored all contacts between Jews and foreigners, and read the mail and tapped the phones of Syrian Jews.

Members of the Syrian Jewish community have been arrested on the mere suspicion of their intention to leave that country. They have been imprisoned without trial and tortured.

In 1992, the Bush administration made a diplomatic breakthrough in their negotiations with the late President Assad. Syrian leaders agreed to let Jews leave the country without the large deposit. Syria also allowed several complete Jewish families to leave the country. He still would not let Syrian Jews emigrate to Israel, but most of them went to the next best place, Brooklyn, New York, my district, and the district of the gentlemen from New York, Mr. NADLER and Mr. OWENS.

Brooklyn is now the home to over 25,000 Syrian Jews. The names of the Brooklyn neighborhoods that they came to were chanted in the shoals in Syria when this deal was announced.

Since the diplomatic breakthrough of almost 10 years ago, these Syrians have come to Brooklyn by the thousands and established themselves as model citizens. They are really part of the American dream.

But there is a problem that survives to this day and a problem that we seek to resolve with this legislation. Assad would not let these departures be labeled emigration in any way. He needed to save face. He forced the Jews to buy round trip plane tickets, and the INS agreed, our INS agreed as part of this deal to admit these Jews as tourists. They were then granted asylum. As asylee tourists, Syria's Jews received temporary non-immigrant visas. Usually, when the United States admits members of a persecuted alien minority, it admits them as refugees.

□ 1030

This is the critical difference under U.S. immigration law. It is very difficult for asylees to become permanent residents, and without permanent resident status, Brooklyn's Jews from Syria have been unable to travel freely, to apply for full citizenship, and to work in their chosen professions.

If Syrian Jews had been admitted as refugees, as is often the case from other countries, as they certainly would be by any sense of the word, they would likely be full citizens today. Instead, thousands of them reside in a form of immigration limbo. They have escaped Assad's persecution, but most of them have been unable to become permanent U.S. residents.

This bill changes that. It directs the Attorney General to adjust the status of these Syrian Jews to that of lawful permanent residents. Passage of this bill will signal the House's intention to close this awful chapter in Jewish persecution history. And when the President signs H.R. 4681 into law, these thousands of Syrian families will finally be able to fully participate in American life, a privilege they should have had years and years ago.

One final note to my colleagues. The recent passage of President Assad in Syria has brought with it a good deal of revisionist history. While we are taught not to speak ill of the dead, we have to remember that with Assad's passing, we also have to close a chapter in what has been the improper way that these emigres have been treated.

I want to commend the sponsors of this legislation, and I urge all of my colleagues to vote in favor of this historic bill.

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

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

There are two other sponsors of the bill that I wanted to recognize for their hard work. One is the gentleman from New Jersey (Mr. FRANKS) and the other is a tireless advocate, the gentleman from New York (Mr. GILMAN).

I just wanted to emphasize with a personal story, Mr. Speaker, the cruelty and the injustice of the current status of Syrian Jews and talk about a person who has the potential to make a great difference in our society.

Joseph Durzieh. Joseph was a brilliant medical student at the University of Damascus, one of the handful of Jews allowed to pursue a higher education in Syria. And just for an aside, Mr. Speaker, I would note that it was not so long ago that Jews were not permitted to hold a government position or to work in a bank in Syria. There was that level of bias and discrimination.

Joseph came to America in 1992 and immediately proceeded to pass his United States medical equivalency exams with flying colors. He completed his internship in New York and now is working in a State University of New York fellowship program in Brooklyn.

Mr. Speaker, Dr. Durzieh is a well-respected physician. He is highly esteemed by his fellow doctors. He is highly valued by his employers. He is highly beloved by his patients. Yet because he has been unable to obtain a green card, he cannot obtain a license to practice medicine in America. When his fellowship expires next year, Dr. Durzieh will have no choice but to leave the medical field.

Mr. Speaker, if that were to happen, we will all be the poorer for it. We will all be the poorer if because of an emigration law technicality the people of New York are deprived of the services of a gifted physician. We will all be the poorer if because of the vindictiveness of a Syrian regime we do not allow Dr. Joseph Durzieh to use his talents as a healer.

Mr. Speaker, we have an opportunity here to see that justice is done, to ensure that the taste of freedom that all others enjoy are enjoyed by Syrian Jews. I urge the House to strongly, strongly support this measure.

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

Mr. WEINER. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of this bill, and let me begin by expressing my appreciation to the leadership of the Committee on the Judiciary for rushing this bill to the floor, this simple and just bill.

This bill was introduced by the gentleman from New York (Mr. LAZIO), the gentleman from New York (Mr. WEINER), the gentleman from New Jersey (Mr. FRANKS), the gentleman from New York (Mr. GILMAN), the gentleman from New Jersey (Mr. PALLONE), and myself on June 15, less than a month ago, and here it is on the floor. Lightning speed, as legislation goes. As I said, I want to express my appreciation to the committee leadership for that.

Mr. Speaker, we are dealing here with the result of the tyrannical conduct of the Syrian government, which for generations held the Jewish population, the small Jewish population of Syria, hostage to its tyranny. Even today the Jews and the Kurds are the only minorities in Syria not allowed by law to participate in the political system, and the Jews are the only minority in Syria whose passports and identity cards must note their religious affiliation.

In 1992, as was said before, as a result of negotiations by the President, President Assad of Syria agreed to let those Syrian Jews emigrate to the United States so long as they pretended they were not emigrating. So instead of being classified as refugees, because we agreed, the United States Government, to play along with Assad to let him save face, they came here as tourists, on tourist visas, and were then granted political asylum. Because of that, they are not granted the same right as other refugees and the same ability to regularize their status and eventually become United States citizens.

The United States should not subordinate our justice system and our naturalization system to the tyranny of Syria. This simple bill asks a simple thing: Change the status of this small group of people, and the bill is capped at 3,000, change the status of this small group of people, in effect to refugees, as they really were and are, give them the same rights and stop kowtowing 8 years later to the whim of the Syrian dictator.

It is a just bill, it is a good bill, and it is a simple bill. It rights an injustice, and it will be of great benefit to a number of people, albeit a small number of people; but justice demands its passage. I urge all my colleagues to vote for the bill.

Again, I thank the leadership of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), the gentleman from Pennsylvania (Mr. GEKAS), and the gentleman from Michigan (Mr. CONYERS) for helping speed this bill to where it is today.

Mr. LAZIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. GEKAS), the distinguished subcommittee chairman.

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time, and I want to, by way of wrap-up, to pay tribute to the gentleman from New York (Mr. LAZIO) for the expedited procedure, to which the gentleman from New York (Mr. NADLER) alluded in his remarks, about how swiftly and accurately this bill was brought to the floor at this juncture.

Witness what the gentleman from New York was able to do. A bill that came out of committee came to the floor under the auspices of the Subcommittee on Immigration and Claims. The gentleman from Texas (Mr. SMITH), who was not able to be here today, and the committee was not able to act as such, so there was a recruitment of the chairman of the Subcommittee on Commercial and Administrative Law to appear on the floor and to then recruit the gentleman from the minority side to be able to come to the floor and to give a history of the situation that brought us to this juncture.

All of this was done in a short period of time. And with much eloquence the gentleman from New York (Mr. LAZIO), the gentleman from New York (Mr. NADLER), and the gentleman from New York (Mr. WEINER) explained the situation to us, and we are now well poised to proceed with enactment of this bill.

Mr. WEINER. Mr. Speaker, I yield myself such time as I may consume to commend the leadership, particularly that of the subcommittee chairman, the gentleman from Texas (Mr. SMITH).

Lest we too dramatically rewrite the history of this bill, let us remember that this first came to the full Committee on the Judiciary, as my good friend from Pennsylvania just recognized, in the form of an amendment that was offered on the H–1B bill, where the gentleman from Texas (Mr. SMITH) was kind enough to object to its passage at that time but offered to see that it was handled expeditiously. And I too want to thank the gentleman from New York (Mr. LAZIO) for taking up the cause on the Republican side.

Let us not forget that these are real people in Brooklyn who are awaiting simple justice. I have to tell my colleagues that they are, in many ways, the classic American immigrant group, in that they came here freeing persecution. When they came here, they built synagogues on Ocean Parkway, they built yeshivas, they started businesses. Some of the clothing that we wear today was made by members of the Syrian Jewish community who have become such leaders in the apparel profession, among others. And they have, all that time, been tourists. Under the law, they have been tourists. They have been the longest present tourists in the history of the United States, arguably. They are the only tourist visas that the INS could tell me they have ever issued that had no end date.

What we are saying is, their days as tourists are over. They are no longer visiting the United States. We have always known them to be American citizens at heart, and now they are American citizens on paper as well.

I too am deeply gratified that we are reaching this point. We are hopeful that the other body will act quickly on this. I have received assurances that the President will sign this bill and, hopefully, the next cheers we will hear are not for the freedom of those persecuted Syrian Jews, but the citizenship of those formerly persecuted American Syrian Jews.

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

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

Let me finally thank the distinguished chairman of the Committee on the Judiciary, the gentleman from Illinois (Mr. HYDE), for allowing this bill to come to the floor with this expedited procedure and for lending a willing ear, frankly, to our efforts to see that justice is done. Thanks also to the subcommittee chairman, the gentleman from Texas (Mr. SMITH), for his outstanding assistance in this matter.

And let us not forget the fine staff of the Subcommittee on Immigration and Claims, and of the full committee, Jim Wilon in particular, for their excellent assistance. All these people have come together for a common reason, to make sure that we have an opportunity here in the House to express our desire to integrate Syrian Jews into American society and to achieve a measure of justice.

With that, Mr. Speaker, I would ask for the passage of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in strong support of H.R. 4681, a bill to provide for the adjustment of status of certain Syrian nationals.

When Syria gained its independence from France in 1944, it engaged in acts of persecution against its small Jewish population. This involved such things as a prohibition against Jewish emigration to Palestine; a restriction on the teaching of Hebrew; and boycotts against Jewish businesses.

Jews who have left the country have been forced to post an onerous monetary deposit, and have had to leave family members behind so as to assure their return. Also, the Syrian secret police have harassed them. This has included a 24-hour-a-day surveillance of the Jewish quarter in Damascus and other steps to monitor the behavior of the Jews.

When the partition of Israel was declared in 1947, mobs in Aleppo attacked the Syrian Jewish community destroying more than 200 homes, killing many Jews, and torching synagogues.

Relief finally came in the 1990's, when the Bush and later the Clinton Administration made arrangements for 25,000 Jews to come to the United States. These Syrian Jews settled in Brooklyn New York. Although this was a tremendous breakthrough, the Syrian government imposed an undesirable condition on permission to leave Syria. The Jews were required to enter the United States as nonimmigrant visitors and then to seek asylum instead of coming here as refugees.

The asylum applications were granted, but this did not lead to permanent resident status in the United States for many of them. Only a limited number of asylees can become permanent residents of the United States each year. Most of the Syrian Jews therefore have been unable to become permanent U.S. residents. This is completely unacceptable for people who have suffered the way the Syrian Jews have suffered and who have been given refuge in our country. They should be allowed to become lawful permanent residents of the United States.

H.R. 4681 would direct the Attorney General to adjust the status of these Syrian Jews to that of lawful permanent residents without regard to the numerical limitations that prevent this from happening under current law. This would make it possible for the Syrian Jews to finally make their stay in the United States a permanent one and to be able to participate fully in American life.

I am happy to support this legislation, Mr. Speaker, but I do have some reservations, not about what we are doing here, but what we are not doing. There are a group of immigrants who will still be locked out, and who still will not have relief. I am speaking of the ''late amnesty'' applicants and the immigrants who are asking for parity relief under the NACARA law of 1997.

In 1986, the Immigration Reform and Control Act authorized the legalization of undocumented immigrants who could prove that they had been living in the United States since January 1, 1982.

Unfortunately, the Immigration and Naturalization Service (''INS'') promulgated a rule that denied legalization to the immigrants in this group who had briefly left the country. INS then refused to accept applications from people who had violated this rule. But by the time the INS had agreed to modify the rule, the 12-month application period had ended and hundreds of thousands of people who could have established eligibility for legalization had been turned away.

I have introduced a bill, H.R. 4172, the Legal Amnesty Restoration Act of 2000, that

would change the date of registry to 1986, which would give amnesty to any immigrant who has entered the United States before 1986. This legislation has the full support of the Clinton Administration.

The purpose of the NACARA parity is to offer the same opportunity for permanent residence to Salvadorans, Guatemalans, Hondurans, and Haitians as was offered to Nicaraguans and Cubans in the Nicaraguan Adjustment and Central American Relief Act of 1997. If this amendment is adopted, eligible nationals of these countries would receive treatment equivalent to that granted to the Nicaraguans and Cubans under the Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA).

This action would allow certain nationals of Nicaragua and Cuba, and their qualified dependents, to have their immigtration status adjusted to lawful permanent residence. Eligibility for this relief requires, among other things, continuous physical presence in the United States since December 1, 1995.

I support H.R. 4681, but I also hope that we can bring relief to others who are so desperately deserving of it and in dire need as well.

Mr. GILMAN. Mr. Speaker, today we have the opportunity to provide relief for 2,000 Syrian Jews, who have been residing in the United States for almost a decade. I commend our colleague from New York, Mr. LAZIO, for his dedication to these displaced people in bringing H.R. 4681 to the floor, today.

In 1992, after years of negotiations between the United States and Syria, President George Bush and Secretary of State James Baker reached an agreement which allowed Syria's beleaguered Jewish population to seek asylum in the United States. However, as a condition of this accord, the Syrian Government demanded that the United States grant these Syrian Jews temporary non-immigrant visas that led to asylum status.

The Syrian government's demand forced the U.S. to deviate from its standard practice in which persecuted alien minorities are granted refugee status that can lead to naturalization.

As a result of this legal technicality, the Syrian Jews who sought refuge in the United States have encountered substantial difficulties in their quest for U.S. citizenship. The resulting delays have inhibited the ability of these Jews of Syrian origin to work in their chosen professions, travel freely and pursue the same quality life in the United States enjoyed by all Americans.

These individuals have become dedicated members of their communities. I am confident that granting lawful permanent resident status to the Syrian Jews will be a great benefit to both their community and our nation.

Accordingly, I urge all my colleagues in the House to Support H.R. 4681.

Mr. CROWLEY. Mr. Speaker, I would like to commend Representative LAZIO, Representative WEINER, and the rest of the co-sponsors for their leadership on this important issue. The Syrian Jewish community experienced many years of persecution at the hands of the Syrian government. For decades, the Syrian Jewish community lived in fear of the secret police. They were barred from buying property, they had travel restrictions placed on them, and they could not work in government or at banks. Now, the U.S. Congress has the ability to ease the suffering of this community.

In 1992, through the efforts of President Bush and the State Department, Hafez Al-Assad agreed to end harsh travel restrictions against the Jewish community of his country. However, he did not want them to come to America as refugees. Instead, this persecuted community came to the U.S. on tourist visas. Because they came on visas, they were effectively blocked from applying for permanent residency in the U.S.

Several professions, such as the medical field, require this status in order to work. Like so many who come to the U.S., these people only wanted the opportunity to contribute to society and work in their chosen professions. I am glad that the U.S. Congress is finally correcting this unfair situation and putting these brave people on the road to citizenship and allowing them to realize their full potential as so many refugees and immigrants have before them.

It is time that the Syrian Jews are granted full access the American dream. I urge all of my colleagues to support this bill.

Mr. PALLONE. Mr. Speaker, this bill is extremely important for a number of reasons. Jews in Syria were persecuted and discriminated against for decades. Because of discrimination and oppression, it was important for these Jews to leave Syria, and for the United States to help pursue this effort.

In general, people who are granted refugee visas to come to the U.S. from other nations are able to apply for permanent residence status after one year.

Unfortunately, although negotiations with the U.S. did eventually lead President Assad to allow Syrian Jews to leave Syria pursuant to an April 1992 Order, he only allowed them to come to the U.S. on tourist visas. Subsequently, these Jews were granted asylum. However, only 10,000 people that have been granted asylum may adjusts their status to permanent residents each year. In recent years, many more than 10,000 people have sought permanent residence status.

As a result, many Syrian Jews have been seeking permanent resident status for many years. Without this status, the Syrian Jewish asylees are unable to seek and change employment readily, obtain a medical license, or apply for U.S. citizenship through the naturalization process.

The legislation before us today would require the Attorney General to adjust the status of the Syrian Jews who emigrated to the United States pursuant to Assad's 1992 Order to that of permanent resident. This legislation is critical to ensure that these people can come to enjoy the full benefits of living in the United States—free from persecution and discrimination.

I urge all of my colleagues to support this important legislation.

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

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill, H.R. 4681, as amended.

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

A motion to reconsider was laid on the table.

AIMEE'S LAW

Mr. GEKAS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 894) to encourage States to incarcerate individuals convicted of murder, rape, or child molestation, as amended.

The Clerk read as follows:

H.R. 894

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 ''Aimee's Law''.

SEC. 2. DEFINITIONS.

In this Act:

(1) DANGEROUS SEXUAL OFFENSE.—The term ''dangerous sexual offense'' means sexual abuse or sexually explicit conduct committed by an individual who has attained the age of 18 years against an individual who has not attained the age of 14 years.

(2) MURDER.—The term ''murder'' has the meaning given the term under applicable State law.

(3) RAPE.—The term ''rape'' has the meaning given the term under applicable State law.

(4) SEXUAL ABUSE.—The term ''sexual abuse'' has the meaning given the term under applicable State law.

(5) SEXUALLY EXPLICIT CONDUCT.—The term ''sexually explicit conduct'' has the meaning given the term under applicable State law.

SEC. 3. REIMBURSEMENT TO STATES FOR CRIMES COMMITTED BY CERTAIN RELEASED FELONS.

(a) PENALTY.—

(1) SINGLE STATE.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 of those offenses in a State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to the State that convicted the individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(2) MULTIPLE STATES.—In any case in which a State convicts an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for any 1 or more of those offenses in more than 1 other State described in paragraph (3), the Attorney General shall transfer an amount equal to the costs of incarceration, prosecution, and apprehension of that individual, from Federal law enforcement assistance funds that have been allocated to but not distributed to each State that convicted such individual of the prior offense, to the State account that collects Federal law enforcement assistance funds of the State that convicted that individual of the subsequent offense.

(3) STATE DESCRIBED.—A State is described in this paragraph if—

(A) the State has not adopted Federal truth-in-sentencing guidelines under section 20104 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13704);

(B) the average term of imprisonment imposed by the State on individuals convicted of the offense for which the individual described in paragraph (1) or (2), as applicable, was convicted by the State is less than 10 percent above the average term of imprisonment imposed for that offense in all States; or

(C) with respect to the individual described in paragraph (1) or (2), as applicable, the individual had served less than 85 percent of

the term of imprisonment to which that individual was sentenced for the prior offense.

(b) STATE APPLICATIONS.—In order to receive an amount transferred under subsection (a), the chief executive of a State shall submit to the Attorney General an application, in such form and containing such information as the Attorney General may reasonably require, which shall include a certification that the State has convicted an individual of murder, rape, or a dangerous sexual offense, who has a prior conviction for 1 of those offenses in another State.

(c) SOURCE OF FUNDS.—Any amount transferred under subsection (a) shall be derived by reducing the amount of Federal law enforcement assistance funds received by the State that convicted such individual of the prior offense before the distribution of the funds to the State. The Attorney General, in consultation with the chief executive of the State that convicted such individual of the prior offense, shall establish a payment schedule.

(d) CONSTRUCTION.—Nothing in this subsection may be construed to diminish or otherwise affect any court ordered restitution.

(e) EXCEPTION.—This section does not apply if the individual convicted of murder, rape, or a dangerous sexual offense has been released from prison upon the reversal of a conviction for an offense described in subsection (a) and subsequently been convicted for an offense described in subsection (a).

SEC. 4. COLLECTION OF RECIDIVISM DATA.

(a) IN GENERAL.—Beginning with calendar year 2000, and each calendar year thereafter, the Attorney General shall collect and maintain information relating to, with respect to each State—

(1) the number of convictions during that calendar year for—

(A) any sex offense in the State in which, at the time of the offense, the victim had not attained the age of 14 years and the offender had attained the age of 18 years;

(B) rape; and

(C) murder; and

(2) the number of convictions described in paragraph (1) that constitute second or subsequent convictions of the defendant of an offense described in that paragraph.

(b) REPORT.—Not later than March 1, 2001, and on March 1 of each year thereafter, the Attorney General shall submit to Congress a report, which shall include—

(1) the information collected under subsection (a) with respect to each State during the preceding calendar year; and

(2) the percentage of cases in each State in which an individual convicted of an offense described in subsection (a)(1) was previously convicted of another such offense in another State during the preceding calendar year.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. GEKAS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. GEKAS).

GENERAL LEAVE

Mr. GEKAS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on H.R. 894, the bill now under consideration.

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

There was no objection.

□ 1045

Mr. GEKAS. Mr. Speaker, I yield the balance of my time to the gentleman from Arizona (Mr. SALMON), who has appeared to expedite this particular bill and ask unanimous consent that he be permitted to control that time.

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

There was no objection.

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

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

Mr. SALMON. Mr. Speaker, every day of every week of every year, States release convicted murderers, rapists and child molesters back into our neighborhoods. Predictably, every day of every week of every year these criminals, America's most dangerous and perverted, revert to form and unleash new waves of terror.

Two years ago, I introduced Aimee's Law, otherwise known as the No Second Chances for Rapists, Murderers and Molesters Act, to end the revolving door of justice that floods our cities and neighborhoods with convicted murderers, rapists, and child molesters. Gail Willard, mother of Aimee for whom the bill is named, Marc Klaas, Mary Vincent, Fred Goldman, Mika Moulton, Childhelp USA, and the National Fraternal Order of Police representing thousands and thousands of police officers nationwide as well as several other of my colleagues have decided to draw a line in the sand and say to criminals, If you commit murder, rape or molestation, you're finished. You don't get a second chance to destroy the lives of the innocent. The victims of these crimes do not get a second chance. Why should their attackers?

I stress the narrow category of crimes that we are talking about here today: murder, rape and child molestation. We are not targeting jaywalkers, shoplifters, or even drug dealers. We are targeting the very worst of the worst.

Any opponent of this bill must answer the following: Should a pedophile have a second chance to live in your neighborhood? Or as so often is the case, a third and fourth chance? How about a rapist? Should they be given another chance to violate women? Do you believe that a murderer living next door to you would enhance the quality of your life or improve the safety of your community?

Aimee's Law has tremendous bipartisan support. It passed last year as an amendment to the juvenile crime bill with 412 votes in this House and 81 votes in the Senate. On the House floor, the gentleman from Florida (Mr. MCCOLLUM) referred to this bill in its current form as a terrific product, an extraordinary bill. Another supporter of Aimee's Law, the gentlewoman from Texas (Ms. JACKSON-LEE), said, ''It's tragic that we face on a daily basis the attack of our children by child molesters and murderers and rapists who go about our Nation and repeat their crimes.''

The gentlewoman from Texas is right. It is indeed tragic. Aimee Willard died at the hands of a convicted killer. This is a picture of Aimee. Arthur Bomar murdered her. He was released from prison after spending less than 12 years for killing a person over a parking lot spot. This guy was no model prisoner by any stretch of the imagination. While he was in prison, he also violated other prisoners and guards. If Bomar was simply kept in prison after his first murder, Aimee Willard would be alive today. What a needless waste.

Aimee Willard's death is not an isolated incident but part of a totally preventable crime epidemic, recidivist attacks by released convicted murderers, rapists and child molesters.

Politicians talk tough on crime, but here are statistics that you will not see in a campaign commercial. The average time served for rape is 5½ years; for child molestation, 4 years; and for murder, for murder, the worst crime that I can imagine, 8 years. As a direct result of this leniency, every year more than 14,000, let me say that again, every year more than 14,000 rapes, murders and molestations, crimes against children, are committed by previously convicted and released murderers and sex offenders; 14,000 crimes that by definition are 100 percent totally preventable.

The toll on children is devastating. Each year over 80 children are murdered, 1,300 are raped, and 7,500 are sexually assaulted by released murderers, rapists and child molesters. It is not as if murderers, rapists and molesters become Boy Scouts after their release from prison. The recidivism rates for these sex offenders are especially high. As the best experts who have studied this issue will tell you, Once a molester, always a molester. The Department of Justice found in 1997 that within just 3 years of release from prison, an estimated 52 percent of discharged rapists and 48 percent of other sexual offenders were rearrested for a new crime, often a sexual offense. Behind the statistics are grisly threats by sex offenders eligible for release. Here is a quote from one of them.

This molester warned: ''I am doomed to eventually rape, then murder my poor little victims to keep them from telling on me. I might be walking the streets of your city, your community, your neighborhoods.''

The amended version of H.R. 894 would provide additional funding to States that convict a murderer, rapist or child molester if that criminal had previously been convicted of one of those same crimes in another State. The cost of prosecuting and incarcerating the criminal would be deducted from the Federal crime assistance funds intended to go to the first State, in other words, the State that lets them go, that is irresponsible, loses some of their Federal crime assistance

funds and it goes to the new offended State. Aimee's Law would finally hold States accountable for mistakes that shatter lives.

We have heard on this floor and in campaign stump speeches for many years that we need to get back to personal accountability, personal responsibility. How about a little bit of government accountability? How about a little bit of government responsibility?

A safe harbor has been added to the bill which would not require the funds to transfer if the criminal has served 85 percent of his original sentence and if the first State was a truth-in-sentencing State with a higher than average typical sentence for the crime.

Of course, States have the right to release these convicted murderers, rapists and child molesters into our cities and neighborhoods; and this bill does not force them to do otherwise. However, the question is, who should pay when one of these violent predators commits another rape or sex offense in a different State? Should Pennsylvania, which has already paid a huge human cost with the loss of Aimee Willard, have to pay for the prosecution and incarceration of another killer, Arthur Bomar? Or should Nevada, which knew that Arthur Bomar was a vicious killer but decided to release him anyway? They said he was safe. Obviously they thought he was safe, or they would not have released him on society. So who should pay for these carnage costs? The State who let the guy loose, the irresponsible State, or the State that is now a victim as well? I think the answer is obvious.

The law enforcement community in particular understands the importance of this legislation. The Nation's largest police union, the National Fraternal Order of Police, strongly backs this bill. Their president wrote in a letter, an endorsement letter to me yesterday, and I am quoting: ''One of the most frustrating aspects of law enforcement is seeing the guilty go free and, once free, commit another heinous crime. Lives can be saved and tragedies can be averted if we have the will to keep these violent, terrible predators locked up. Aimee's Law addresses this issue smartly, without federalizing crimes and without infringing on State and local responsibilities of local law enforcement by providing accountability and responsibility to States who release their murderers, their rapists and child molesters to prey yet again on the innocent.''

The revolving door of our criminal justice system can be more than frustrating to law enforcement officers. It can be fatal. A New Jersey police officer, Ippolito Lee Gonzalez, was killed by a released convicted killer, Robert Simon. Simon spent 12 years in a Pennsylvania prison for killing his girlfriend for refusing to engage in sexual relations with his motorcycle gang. The judge who sentenced Simon in Pennsylvania on his first murder conviction had written to the State parole board that Simon should never, never see the light of day in Pennsylvania or any other place in the free world. But he got out. Officer Gonzalez's brother testified at a congressional hearing on Aimee's Law that if this bill had been in effect previously, my brother would still be alive today.

Victims rights and child advocacy groups also strongly endorse this bill. Childhelp USA, Klaas Kids Foundation, Kids Safe, Mothers Outraged at Molesters, and the list goes on and on and on. Editorial boards across America have called for the passage of Aimee's Law. The Delaware County Times, for example, recently offered in an editorial, ''Time for the House to enact Aimee's Law'': ''We see this consideration of Aimee's Law as a step in the right direction as it puts a victim's face on the problem of repeat offenders and the need to place responsibility on the shoulders of our State prisons.''

A paper from my home State, the Arizona Republic, asserted that ''Congress should pass Aimee's Law for the men, women and children whose lives are shattered, sometimes extinguished by violent criminals who should have never been released from prison. Aimee's Law creates a strong financial incentive for States to impose stiff sentences on violent offenders. And it deftly does it without imposing Federal regulations.''

Another paper, the Richmond Times-Dispatch, used the following rationale to support Aimee's Law: ''Giving a one-way bus ticket to a sex offender might improve the community he leaves but it is equivalent to the shipping of toxic waste to unsuspecting States. Aimee's Law would make States bear the cost of such a repugnant practice. It is good legislation that the House should pass and the President should sign into law.''

Of course, no bill satisfies everyone. Some argue that Aimee's Law responds to a problem that does not really exist. Does not exist? Once again, I refer to the Justice Department's own statistics: 8 years for murder, 5½ for rape, 4 years for molestation of a child. And 13 percent of men convicted of rape serve absolutely no prison time at all. Thirteen percent of rapists do not even spend one day in prison.

I thank all of those who have worked tirelessly to pass Aimee's Law. Particularly, I thank the gentleman from Pennsylvania (Mr. WELDON) and the gentleman from Washington (Mr. SMITH) for their long-term commitment and bipartisan support on this project. I also appreciate the efforts of the gentleman from Texas (Mr. ARMEY), the majority leader; and the gentleman from Texas (Mr. DELAY), the majority whip for their assistance in advancing the legislation. I also owe the gentleman from Illinois (Mr. HYDE) a debt of gratitude for discharging the bill from the Committee on the Judiciary and the gentleman from Florida (Mr. MCCOLLUM) for convening two hearings on this bill.

Aimee's Law will finally bring some accountability to the States who choose to be irresponsible and release convicted murderers, rapists and child molesters back into society. Enactment of the bill will spare families from the needless tragedy experienced by Aimee Willard's family and thousands and thousands of countless other families across the Nation. Whose side do you come down on? The 40 or so law enforcement, child advocacy and victims rights groups that have endorsed Aimee's Law enthusiastically, or the convicted murderers, rapists and molesters and their apologists? Please do the right thing and vote for Aimee's Law.

Mr. ROYCE. Mr. Speaker, will the gentleman yield?

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

Mr. ROYCE. Mr. Speaker, I would just like to point out that when the author of the bill makes the statement that 13 percent of these rapists will serve no time at all, that is 13 percent of those caught and convicted. And there is only 10 percent in the United States of rapists that are actually even brought to trial. What is truly appalling and what this bill attempts to mitigate is the fact that there are 14,000 murders and rapes and sexual assaults that in a way occur needlessly in this society every year because those are repeat offenders who should in fact be behind bars. They have already committed that offense once. Now they are committing it again.

One in eight of the major crimes that we see in this category are second-time offenders that have come from a different State and frankly, had the law been applied correctly, they would not be out on the street. These are appalling figures that have been cited here by the gentleman from Arizona, when we consider that victims of rape do not get a second chance at security, victims of child molestation do not get a second chance at innocence, and victims of murder do not get a second chance of life.

By the same token, rapists, child molesters and murderers should not be given a second chance only to inflict their terror on other helpless victims. I believe this bill is a first step toward combating recidivism by making a State that releases a murderer or rapist from prison financially responsible for incarceration and for apprehension and prosecution if the felon commits another violent crime in a different State. The bill would also allow us really for the first time to tally precisely the number of crimes committed by previously convicted offenders who go in and out of that revolving door of the criminal justice system from State to State committing these types of crimes.

When I was in the California State senate, I authored an anti-stalking measure after four local women were killed in the span of 6 weeks. Each one of these women fearing for her life had

sought police protection only to be told that there was nothing that law enforcement could do until she was physically attacked. One police officer told me that the hardest thing he ever had to do was to tell a victim that there was nothing he could do until the woman was attacked, only to find her subsequently murdered.

That is the reason that we are trying to reform these laws. By passing the No Second Chance for Murderers, Rapists or Child Molesters Act, we can prevent further tragedies.

□ 1100

Aimee's Law is common sense law. We must stiffen sentencing and parole guidelines to ensure that murderers and rapists do not go free to commit these crimes again in a different State.

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

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

I too have compassion for Aimee. Her tragedy reminds us that we need to do all we can to prevent situations like this from happening in the future. However, this bill does not do that, and that is why I rise in opposition to the bill.

The bill provides that if certain convicts are released from one State and then go to another State and commit certain crimes, that the first State will have to pay the second State's costs associated with that crime. But, if the State has adopted one of numerous truth-in-sentencing schemes, then they do not have to pay.

Well, Mr. Speaker, no one seriously thinks that the payments by the State would deter a murderer from committing an additional crime, and no one can honestly believe that the incentives in the bill will provoke a State into adopting a truth in sentencing scheme, because the costs associated with the crime are measured in the hundreds of thousands of dollars and worse, and some of these sentencing schemes, when Virginia adopted Truth in Sentencing, it cost billions, not hundreds of thousands, not millions; billions. So that no State is going to implement this program because of this bill.

Now, we were asked by the sponsor a question of whether a pedophile should have a second chance. The bill does not require a longer sentence; it provides one exception of the $100,000 payment if one has adopted the truth in sentencing scheme. Ironically, this 13 percent that do not serve any time at all, they did not get any time, they served 85 percent of nothing. So that would not be a violation of the situation.

The fact is, Mr. Speaker, that the truth in sentencing schemes have been studied. The Rand Corporation studied it last year, and they could find no evidence that truth in sentencing schemes did anything to reduce crime. Therefore, the bill is, and I quote, ''onerous, impractical and unworkable. It is worse than an unfunded mandate. It is certain to generate a morass of bureaucracy; it is enormous and costly, with a probable public safety impact of zero.''

Now, those are not my words; those are the words of the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, the Department of Justice and a noted criminologist. Yet, despite all of these very critical descriptions, the bill comes before us in an amended form on the suspension calendar without ever having been marked up in committee.

Now, I am aware, as everyone here, that no good politician should vote against a crime bill named after somebody. However, I think that before we vote on the bill, we ought to have the evaluations from those who have evaluated the bill and what they actually thought about it. Since those who have evaluated have such strong concerns about it, I suggest that the Members ask their State legislatures and ask their governors whether or not they believe that it will reduce crime or whether it will simply allow Members of Congress to take credit for passing a good sound bite and continue to avoid doing all of what the experts say will actually reduce crime, and that is investing in prevention and early intervention programs.

Mr. Speaker, at this point I will include for the RECORD portions of letters from the National Governors' Association, the National Conference of State Legislatures, the Council of State Governments, Frank Zimring, a law professor from the University of California at Berkeley, and from the Department of Justice, all of which are critical of the bill.

[Excerpt from letter dated August 30, 1999 to the Honorable Robert C. Scott, U.S. House of Representatives from the Council of State Governments:]

AIMEE'S LAW

S. 254: ''Aimee's Law'': When an offender convicted of one of several violent offenses serves an insufficient amount of his sentence in prison and, following his release, commits a similar offense in another state, the first state must reimburse, out of its JAIBG monies, the second state for the cost of apprehending, prosecuting, and imprisoning the offender.

H.R. 1501: Similar provision.

Recommendation: Strike this section.

It appears that few, if any states, comply with the conditions set forth in ''Aimee's Law.'' At least one of the sentencing requirements if far more stringent than any of the standards provided in the violent Crime Control and Law Enforcement Act of 1994. Accordingly, as a result of this provision, each of our jurisdictions is likely to lose part of its JAIBG funding. Furthermore, the provision is almost certain to generate a morass of bureaucracy to monitor compliance with the law and to account for subsequent adjustments to block grant amounts awarded to states.

In addition, although ''Aimee's Law'' seeks to punish states where adults are incarcerated for an insufficient length of time, it appears to penalize various programs, including those that serve juvenile offenders, by reducing a state's JAIBG allocation. Lastly, the premise of the bill (allowing one state to be reimbursed for another state's failure to meet truth-in-sentencing standards set by Congress) sets a precedent that has implications far beyond criminal justice.

[Excerpt of testimony dated May 11, 2000 presented by Frank Zimring, professor of Law and Director, Earl Warren Legal Institute, University of California at Berkeley to the House Judiciary Committee Subcommittee on Crime:]

STATEMENT OF FRANKLIN ZIMRING

Mr. ZIMRING. Thank you, Mr. Chairman. I am not here so that you folks can hear my views or my values. I think I have been solicited as a technical expert on the Federal criminal law. I will be submitting for inclusion into the record a brief article Gordon Hawkins and I wrote in the annals of the American Academy of Political and Social Signs on Federal Jurisdiction. What I would like to do with 5 minutes now is read only two paragraphs of my statement and a brief box score on the detailed policy analysis that has been submitted to the members of this committee; and then if there are questions about the specifics of that, we can come back to it.

The four bills that are before you are prime examples of the legislative frustration that is generated by limited Federal criminal jurisdiction because Federal criminal justice accounts for about 7 percent of all the prisoners in the United States; and a much smaller percentage of violent and sex crime prosecutions, probably less than 1 percent of nonbank robbery violence and sex; and that means that House Members wish to denounce crime and also want to take steps to make our communities safer, but it turns out that symbolic gestures are an awful lot easier to find than measures with a strong preventive potential.

In my view, all four of the proposals that are before this committee have very strong sort of symbolic value. They make a stand against crime, but none of the group of proposals before the committee is a promising method of legislating public safety. Now, the four proposals you have use four completely different strategies to get around this frustration of limited Federal criminal justice impact. One tries to use the financial carrot. That is House bill 894. Another, 4045. Looks at Federal offenders only. Third, 4047 looks at only Federal offenders but will take account for prior State records as well. and 4147 is about one of the very few Federal criminal laws, the obscenity law, where there are really case volumes that overlap somewhat with some kinds of child victims.

My box score on House bill 894 is that its probable impact is going to be zero because the cost of the fine to a particular State is a very small fraction of the cost of mandatory life without possibility of parole sentences for the long laundry list of crimes which are prevented. The maximum fine is $100,000 to the victim plus the actual cost of confinement and case processing. That is about a $100,000 more than the case would have cost with an LWOP in the * * *

[Excerpt from testimony dated May 11, 2000 presented by the Honorable Mike Lawlor, member of the Connecticut General Assembly and vice chair of the Law and Justice Committee of the Assembly on State-Federal Issues for the National Conference of State Legislatures to the House Judiciary Committee Subcommittee on Crime:]

Chair, House Judiciary Committee, Connecticut General Assembly, on behalf of the National Conference of the State Legislatures, House Judiciary Committee Subcommittee on Crime, May 11, 2000.

My name is Mike Lawlor and I serve as vice chair of the Law and Justice Committee of the Assembly on State—Federal Issues, a part of the National Conference of State Legislatures. I am here today representing NCSL. Aimee's Law attempts to solve a problem that no longer exists. If enacted, Aimee's Law would create a mechanism sure to be used in other policy areas, like gun control, public health, education and tobacco. Although well intentioned, Aimee's Law is worse than an unfunded mandate. Its retroactive application will pit one state against another and turn already limited federal law enforcement assistance funds into a superfund of sorts for clever state budget balancers. In general, the NCSL believes that Congress should not substitute national criminal laws for state and local judgment and we ask you to work in partnership with state and local governments to achieve truth in sentencing, especially for violent offenders.

AIMEE'S LAW IS WORSE THAN AN UNFUNDED MANDATE

The proposed mechanism appears to be retroactive and will penalize states for parole and early release decisions made twenty or thirty years ago. Instead of relying on federal assistance based on my state's willingness to adopt state-of-the-art criminal justice policies, Connecticut will be forced to focus on identifying current defendants and prisoners who have been convicted previously of homicide rape or sexual abuse of children in other states. We will be forced to do so in order to offset the federal funds we will certainly lose as our former inmates are prosecuted or incarcerated in other states.

The fact is that no state required violent offenders to serve 85% of their sentences until the mid 1990's and no state in the nation currently requires a life sentence without possibility of release for all of the crimes listed in H.R. 894. Should this proposal become law, every state will be subject to the loss of most, if not all, federal law enforcement assistance. The states with the quickest and most thorough researchers will reap the windfall. If this proposal is enacted, Connecticut plans to identify every offender in or data base who has an out of state record for any of the listed crimes and pursue reimbursement for all of the listed expenses. I'm sure that every other state will do the same. In the end, we would lose our annual law enforcement grants to other states and we would hope to recoup at least that much from other states. I'm not sure what the point of this bureaucratic exercise would be.

AIMEE'S LAW CAN BE USED IN OTHER PUBLIC POLICY AREAS

''NCSL strongly urges federal lawmakers to maintain a federalism that respect diversity without causing division and that fosters unity without enshrining uniformity.'' NCSL policy statement adopted July 1998.

Aimee's Law allows individual states to punish other states that have failed to adequately deal with an individual who creates a burden on the state. In this case, violent criminals released early in one state who victimize someone in a new state create a cause of action against the original state. The penalty is automatic assuming the statutory criteria are met and the funds are readily accessible. The simplicity is appealing and can be adapted to fit other policy areas.

For example, Congress could authorize states to make a similar claim against federal law enforcement funds when one of their citizens is injured or killed by a person who bought a handgun at a gun show in a state which does not require a background check for all gun sales, both public and private. Connecticut allows only licensed individuals to purchase handguns, whether in a store, gun show or living room, and all sales require a check with the state police.

Another use of such a mechanism would be for states to make a claim on another state's Medicaid reimbursement if a chronically ill person requires hospitalization in a new state and after receiving inadequate care in the old state. Perhaps states with relatively lax enforcement of teenage smoking rules should have to forfeit federals funds to other states that must care for seriously ill lifetime smokers. States with substandard schools could forfeit federal educational assistance grants to states providing remedial services to students whose families have moved from one state to another.

My state would benefit under all of these rules. However, each such rule would undermine the diversity and unity that have been the bedrock of our federal system.

AIMEE'S LAW SOLVES A PROBLEM THAT NO LONGER EXISTS

This proposal punishes states for decisions made in the past. Early release of violent offenders was commonplace in every state ten or fifteen years ago. But, the impact of Aimee's law will be felt in the future. There is no law my state can enact which would protect us from the penalties suggested in this legislation.

Offenders sentenced for murder, rape, sexual abuse of children and other violent crimes under current state truth in sentencing rules will not be released for decades. Connecticut, for example, recently ranked 6th nationally in percentage of time served on a violent crime sentence. On average, Connecticut violent offenders served 68% of their sentences, ranking behind Vermont (87%), Missouri (86%), Arizona and Washington (74%) and Minnesota (69%). That ranking is based on 1997 data. In 1998, violent offenders in my state served on average 74.7% of their sentences.

Also in Connecticut, persons convicted of murder are not eligible for parole under any circumstances. As of October 1, 1994, good time credits are not available to any offender. Therefore, persons convicted of murder serve every day of the sentence imposed by the court.

Lengthy sentences and truth in sentencing have become the rule rather than the exception for the crimes of murder, rape and child molestation in almost every state. As a state legislator, I ask that you help us continue our efforts to insure that violent criminals receive and serve appropriate sentences rather than punishing us for our inability to handle the surging tide of criminal cases and prisoners which began in 1980 and continued unabated until very recently. Many states need assistance developing alternative forms of punishment for less serious, non violent prisoners to free up cell space for serious, repeat violent offenders. We are badly in need of more specialized treatment for mentally ill and drug dependent offenders which have overwhelmed our prisons and jails.

AIMEE'S LAW IGNORES SEVERAL IMPORTANT FACTS

The ''No Second Chances for Murderers, Rapists or Child Molesters Act of 1999'' does not take into account the diversity of criminal statutes and the lack of uniformity in sentencing systems. It is almost impossible to develop a formula that appropriately acknowledges the unique aspects of criminal law and procedure in each of the fifty states. My state punishes sexual abuse of a fourteen year old just as severely as sexual abuse of a thirteen year old. Your proposal creates a distinction not recognized in our criminal records. Your definition of ''sexually explicit conduct'' would include conduct that would otherwise be a misdemeanor in Connecticut. Given the high financial stakes, many states would stretch those definitions to cover compensation for arrest and prosecution of many sexual offenders who typically receive sentences of probation or jail.

The proposal also risks diverting crime victim compensation money to violent offenders themselves. Many homicide victims are drug dealers with bad aim. A $100,000 entitlement for less-than-innocent victims is a bad idea. Connecticut and many states with crime victim compensation programs apply standards to claims for financial assistance to exclude ''guilty'' victims and federal mandates should respect those distinctions.

In recent years the Subcommittee on Crime has provided important leadership to state and local governments in the fight against violent crime. We in state legislatures throughout the nation hope to continue working with you in partnership to ensure that recent reductions in the level of violent crime can be sustained. We think Aimee's Law and proposals of this type undermine the long-standing tradition of respect for state and local responses to crime.

[Excerpt from letter dated May 10, 2000 to the Honorable Robert C. ''Bobby'' Scott, ranking minority member of the Subcommittee on Crime of the House Committee on the Judiciary from the Honorable Robert Raben, Assistant Attorney General, Office of Legislative Affairs, U.S. Department of Justice:]

NO SECOND CHANCES FOR MURDERS, RAPISTS, OR CHILD MOLESTERS ACT OF 1999, OR AIMEE'S LAW (H.R. 894)

This bill ''encourages'' states to give lengthy sentences to individuals convicted of murder, rape, or child molestation (as defined by the bill). Specifically, it denies federal law enforcement assistance funds to the state that releases a murder, rape or child molestation felon who then commits the offense a second time, and gives the money to the state that must prosecute the felon again, to reimburse it for the costs of prosecution and incarceration. The bill also seeks to reimburse the victims of the offenses. In addition, the bill requires the Attorney General to collect recidivism data on felons convicted of murder, rape or any sex offense where the victim is under 14 and the offender is under 18.

While we believe that the bill is well-intended, the Department has numerous concerns about this bill, which we think will present significant enforcement challenges and will do little to achieve the laudable goal of protecting children.

Definitions

H.R. 894 fails to define numerous critical terms in a manner that would allow clear, efficient enforcement of the law. For example:

The bill contains definitions such as ''dangerous sexual offense,'' which include victim and offender age requirements (14 and 18, respectively) that do not correspond to legal terms included in most state statutes.

Also, H.R. 894 does not define who qualifies as a ''victim.'' This is a critical omission, given that this legislation requires that one state pay another up to $100,000 to ''each victim (or if the victim is deceased, the victim's estate)'' in certain situations.

The costs of ''prosecuting,'' ''apprehending,'' and ''incarcerating'' offenders would be difficult to ascertain for purposes of reimbursement. Such costly will invariably vary from investigation to investigation.

The bill does not clearly identify from which ''federal law enforcement funds'' these transfers would come. If this term means the Byrne grant program, it would have the unintended consequence of withholding funds that are channeled to law enforcement for policy decisions that are implemented by the judicial branch and corrections agencies.

Availability of Data

H.R. 894 has a requirement that the Department of Justice track and report on an offender's status as a repeat offender (See section 4(a)(2)). The bill does not make clear if the requirement is prospective or retrospective; nor does the language create a time limit between the prior and subsequent convictions. If this requirement were applied retrospectively, it would take many years to develop this historical archive of criminal history data for every offender convicted of the violent crimes enumerated in this section. The collection of this information would be an enormous and costly undertaking and would require the creation of a major national data center to collect and match records submitted by the states to records held by the states and complete cooperation of all the states in conducting background checks of persons convicted in other states of the relevant offenses.

Unintended Consequences and States' Rights

Provisions of this legislation may help create a false sense of security about the ability of the justice system to identify and punish violent offenders. For example, some offenders plead to less serious offenses, and so may not be identified through whatever interstate communication system would support the implementation of these provisions, as a risk for other states. In addition, the provisions of this bill undermine the rights of state governments to determine sentencing policies appropriate to their fiscal, social and political climates.

ALTERNATIVES

The Justice Department would be happy to work with the Committee to develop a more workable alternative.

Finally, the Committee should note that the Department currently is supporting, as key priorities, a number of initiatives to strengthen oversight of sex offenders:

The NIC has created an Advisory Group, comprised of justice system practitioners, to study and amend the Interstate Compact on Probation and Parole. This group proposed amendments to the compact, and has made uniform legislation available to all states for year 2000 legislative deliberation.

As Aimee's Law focuses primarily on interstate travel by felony sex offenders, we have now implemented the FBI's National Sex Offender Registry, which came online in July, 1999. This system, coupled with provisions in the Pam Lychner Act and the Interstate Compact, can provide the infrastructure to assist states in appropriately identifying and monitoring individuals that may be dangerous to the community.

The OJP, NIC and SJI have been supporting the Center for Sex Offender Management, which has developed a model of intensive supervision of serious sex offenders by coupling lifetime probation with offender-appropriate treatment and polygraph to monitor their behavior.

[Excerpt from letter dated August 5, 1999 to the Honorable Henry J. Hyde, chairman House Committee on the Judiciary and the Honorable John Conyers, ranking minority member of the House Committee on the Judiciary from the Honorable Thomas R. Carper, governor of Delaware and chairman of the National Governors' Association; the Honorable Michael O. Levitt, governor of Utah and vice chairman of the National Governors' Association; the Honorable James B. Hunt, governor of North Carolina and chairman of the Human Resources Committee of the National Governors' Association; and the Honorable Mike Huckabee, governor of Arkansas and vice chairman of the Human Resources Committee of the National Governors' Association:]

AIMEE'S LAW (TITLE XVI, SECTION 1610 OF S. 254, AND TITLE I, SECTION 103 OF H.R. 1501)

This provision would allow the U.S. Attorney General, in prescribed circumstances, to deduct Byrne funds from State A and pay those funds to State B, to reimburse State B for the criminal justice system costs of a defendant convicted of murder, rape, or a dangerous sexual offense who has a prior conviction for a similar offense in State A. State A's Byrne funds would be reduced in such cases if State A cannot meet one of three criteria: it has adopted truth-in-sentencing (TIS); the particular defendant served at least 85 percent of the imposed sentence; or the state's average term of imprisonment for the offense is at least 10 percent above the average for all the states.

This mandate is onerous, impractical and unworkable for several reasons. First, even though many states have adopted TIS, interpretations of the meaning and the percentage of time served vary among the states. Second, some states require offenders to serve 85 percent of their time, while other states may require offenders to serve 100 percent of their time. These variances will impact the calculation of the third criteria, which is that the ''state's average term of imprisonment for the offense is not less than 10 percent above the average for all states.'' Third, sources at the U.S. Department of Justice say it would be difficult to obtain and measure the data or to maintain a consistent average for reasonable periods of time. Fourth, the ''average'' would be a constantly moving target, requiring recalculation every time a single state legislature enacts a change in the sentence for covered crimes. A change by one legislature would affect other states without warning. Moreover, a crime that would trigger a Byrne fund transfer could occur before the legislature of a state falling below 10 percent, through no fault of its own, has the opportunity to meet to consider changing its law to keep its sentence/s at or above the 10 percent mandate. Each state would have to constantly monitor the legislative actions of every other state in an effort to be sure that it stayed at or above the 10 percent criteria. Therefore, we strongly urge the conferees to delete this section from the final bill. Governors remain eager to work with Congress to develop reasonable, practical, workable ways to make sure serious violent offenders serve appropriate sentences.

CORE REQUIREMENTS

Governors have always supported the underlying principles of the juvenile justice bill and believe states should be given maximum flexibility to implement the spirit and purposes of the act. We appreciate the fact that both bills give more flexibility on the core requirements. Furthermore, we appreciate that under both bills, states would receive 50 percent of their funds, then 12.5 percent for complying with each principle.

However, S. 254 adds a fifth core requirement, which is both unnecessary and upsets the funds distribution formula just mentioned. S. 254 mandates that juveniles who possess illegal firearms in schools be taken to court and detained for at least 24 hours if the court determines that they are a danger to themselves or others. If states do not enact such a law, they will lose 10 percent of their juvenile justice funds. The goal of this provision is good, but it should not be a mandate. We urge you to delete this mandate from the final bill.

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

Mr. SALMON. Mr. Speaker, we have several people on this side that would like to speak; therefore, I ask unanimous consent for an additional 20 minutes debate on H.R. 894, as amended, 10 minutes to be controlled by myself and 10 minutes to be controlled by the gentleman from Virginia (Mr. SCOTT).

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

Mr. SCOTT. Mr. Speaker, reserving the right to object, I hope the gentleman would proceed as quickly as possible. The Committee on the Judiciary is waiting for this bill to conclude so that we can complete a lot of work that we have been handling, so I would hope that the gentleman would proceed as quickly as possible.

Mr. Speaker, I withdraw my reservation of objection.

Mr. SALMON. Mr. Speaker, I thank the gentleman.

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

There was no objection.

Mr. SALMON. Mr. Speaker, I yield 4 minutes to the gentleman from Pennsylvania (Mr. WELDON) who represents Aimee Willard's family.

(Mr. WELDON of Pennsylvania asked and was given permission to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of Aimee's Law.

Aimee Willard lived 2 miles from my home. Aimee Willard went to the same schools that my children attended. Aimee Willard played in the same parks that my kids played in. Aimee Willard's family, being in the same school district that I lived in, went through the same kind of experiences in life that my kids went through, that my neighbors' kids went through. She was an ordinary kid, but she was also very extraordinary. She was an outstanding lacrosse and soccer player, and went on to become one of the top stars at George Mason University. She was an outstanding student. She had many friends, many who knew her, and although I did not have the pleasure of knowing her personally, her friends would say frequently that when Aimee was around, everyone was happy.

Aimee Willard did nothing to offend anyone. She cared about animals, she cared about people, she loved life. Aimee Willard was struck down by an

animal. There is no other word, Mr. Speaker, an animal. As she was driving home from an event with her friends on one of our major interstate highways, she was struck by a car behind her, causing her to pull over. She was abducted, she was raped, and she was brutally murdered. Her body was found the next day in a dumpster with two trash bags over her head and a stick between her legs. That was Aimee Willard's response to a life of wanting to help people.

Now, the man who has since been convicted and sentenced to death for killing her was an animal, he was an animal, because he had killed someone else in Nevada, because they parked in his place at his apartment complex. But he only served 11 years of that life sentence. But in prison, as the gentleman from Arizona (Mr. SALMON) said, he had a felony conviction for assaulting another prisoner and he also had a conviction for an assault on a woman who was visiting him in prison. But the Nevada prison officials just did not get it. So after 11 years, they put Arthur Bomar on the street. Arthur Bomar came to Pennsylvania and he snuffed out the life of this bright, energetic, future leader for America. She may have been a sports star, she may have become a teacher, she may have become a Member of Congress, but an animal struck her down.

Now, who should pay for that? The family cannot be compensated. Their daughter is gone, gone forever, snuffed out in the prime of her life, 22 years of age. Who should pay? Sure, Arthur Bomar is going to pay. Hopefully this time he is sentenced to life in prison and he will serve life in prison. But who else should pay? Pennsylvania spent hundreds of thousands of dollars to track down, try and convict Arthur Bomar, when it was Nevada who let him out after 11 years. This law says, Nevada will pay. If a State wants to let a convicted killer out on the street, a rapist on the street, a child molester on the street, then that State will pay the price, not the State that has to retry, recapture, and resentence the individual who did the brutalest of a brutal assault on a person like this.

One of my colleagues said there are those who are against it. Well, naturally those in the States do not want to bear any responsibility. Well, duh. What do we think they are going to say, that they are going to come out and support it? I mean, we all have brains. Every victim and witness association in this country supports Aimee's Law, and that is what matters. I do not care what the governor association says and I do not care what the conference of state legislatures said. I know what is right, and people like victims of Aimee Willard's family deserve to know, in her name, that it will never happen again or those States where the person first committed the crime will pay the bill.

Mr. Speaker, I urge my colleagues, as they did a short time ago by a vote of 412 to 15, to pass Aimee's Law.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume 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 am a cosponsor of Aimee's Law legislation, and I rise in support of the bill, although I share the concern of the gentleman from Virginia (Mr. SCOTT) that the bill should have come through committee and we should have had the committee process work. We see that happen too often here on this floor, whether it be the week before the July recess with prescription drugs or managed care reform, or anything. I think we are subverting the will of this House when we do not use the committee structure the way it is supposed to be, not just to conduct hearings, but also to have the committee's vote on this legislation.

But be that as it may, I support this bill. The only crimes that are more heinous than murder and rape are those same crimes committed against children. I believe that individuals who commit violent or sexual crimes against children should spend the rest of their lives in prison. If, however, a State believes that such a criminal has been rehabilitated and decides to release this person back into society before the end of his prison term, then it should be held responsible if that person commits that crime again in someone else's neighborhood or someone else's State. Under Aimee's Laws, those States who are irresponsible and release violent criminals would pay to incarcerate these criminals in the other State.

This is a fair and just approach, and I urge my colleagues to support this legislation.

Again, as a former State legislator for 20 years, I know the opposition to this bill, but I also know that the States need to make that decision so they do not export their problems to other States.

Mr. SALMON. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. GREEN).

Mr. GREEN of Wisconsin. Mr. Speaker, I thank the gentleman for yielding me this time.

This is an important day, not just for this bill, but I think also for the House as we decide which path we are going to take in response to some of the good news that we have seen recently in crime. We have seen some genuine good news. We have seen some reduction in violent crime. We have seen some reduction in property crime.

We have two ways to respond. We can respond as some would suggest by perhaps resting and shifting our attention away to other issues, or we can respond, as the gentleman from Arizona is responding, by redoubling our efforts and pushing on towards victory.

I know the polls and pundits are saying that people no longer care as much about crime issues, but, I say to my colleagues, we are here to lead. We are here to meet challenges. This bill is about pushing on to victory.

We know that the vast majority of crimes in this Nation are committed by a very small percentage of criminals, a small number of ruthless thugs and animals who commit their crimes over and over and over again. These numbers right here that the gentleman from Arizona presented for us, this is all we need. This is all we need as an argument in favor of this bill.

We heard the previous speaker talk about Aimee's Law and the terrible tragedy that Aimee's family has faced. What is even a greater tragedy is that it was not an isolated incident. There are tragedies just like Aimee's all over this Nation. There was one in my district just a matter of days ago. A young lady, age 19, out innocently jogging in the City of Kaukauna, Wisconsin, a small, quiet socially conservative community. As she went out jogging, she was attacked from behind and knifed to death by a thug, by an animal who had been previously convicted of a violent crime in New York, but he had been let out. He was let out, he came to Wisconsin, and he brutalized a family and a community. This must end, and with the passage of this bill, we will get there.

Mr. Speaker, I commend the gentleman. This is a wonderful tribute to his work here in the House of Representatives and to the family of Aimee Willard. Let us pass this bill.

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

Mr. SALMON. Mr. Speaker, I yield 1 minute to the gentlewoman from North Carolina (Mrs. MYRICK).

Mrs. MYRICK. Mr. Speaker, I thank the gentleman from Arizona for bringing this bill forward and yielding me this time today.

I strongly support Aimee's Law. It just is something that makes common sense to provide incentives to States so that they will make sure that violent criminals serve at least 85 percent of their original sentence.

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If criminals do get out early from prison and if they do go to another State to terrorize yet another community, then some of the funding from the first State should go and will be sent to the second State to cover the costs of locking up that criminal. It seems fair to me.

More than 14,000 murder, rapes, and sexual assaults are committed each year by previously-committed murderers and sex offenders. In my community, that is one of the biggest concerns and complaints of the police is that they are constantly seeing the revolving door of locking up the same people over and over. One of eight of these 14,000 murders, rapes, and sexual assaults are committed in a second State.

Each year 80 children are murdered, 1,300 are raped and 7,500 are sexually

assaulted by these murderers, rapists, and child molesters. Mr. Speaker, we need to lock up these violent criminals who play the system. That is exactly what they do, they play the system because they know they can get away with it. They destroy our children's lives.

I urge my colleagues to support Aimee's Law.

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

Mr. Speaker, nobody seriously thinks a State will be provoked into adopting a multi-billion dollar sentencing scheme to avoid a couple of hundred thousand dollars in terms of punishment under this bill, particularly when that multi-billion dollar sentencing scheme, according to the Rand study last year, shows no evidence of reducing crime.

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

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

Mr. Speaker, I might respond to the gentleman's comments. He said no one seriously believes. I take umbrage with that. There are many people who believe that, 412 who voted in the House, 80-some in the Senate, the National Fraternal Order of Police, representing thousands and thousands of police officers across the country, and all the victims' rights groups that we mentioned. So obviously someone believes that.

Mr. Speaker, I yield 1½ minutes to the gentleman from California (Mr. CALVERT).

Mr. CALVERT. Mr. Speaker, I rise today to strongly support this important law enforcement legislation. I am proud to be an original cosponsor of the original Aimee's Law and legislation, and have voted on this provision in the juvenile justice bill earlier this year.

Those who prey on innocent children do not deserve repeated opportunities for freedom. This bill, also known as the No Second Chances for Murderers, Rapists, and Child Molesters Act of 1999, would encourage States to increase penalties for serious violent crimes by calling for murderers to receive the death penalty or be imprisoned for life without possibility of parole.

Those convicted of rape or dangerous sexual offenses involving a child under the age of 14 would be imprisoned for life without the possibility of parole. This legislation finally will assist local law enforcement officials by ensuring that the most dangerous criminals will not be released back to the streets to commit more deadly crimes.

Mr. Speaker, I firmly believe that we must take all necessary actions to help protect the innocent from predatory violent criminals. I believe that Aimee's Law significantly helps achieve this goal. I encourage all my colleagues to support this legislation, and thank my friend, the gentleman from Arizona (Mr. SALMON) for introducing this bill. I encourage its passage.

Mr. SALMON. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, today we have a chance to take a giant step in our fight against repeat offenders. I must commend my colleague, the gentleman from Arizona (Mr. SALMON) for bringing this important legislation to the floor at this time.

More than 14,000 murders, rapes, and sexual assaults are committed each year by previously-convicted murderers and sex offenders. About one in eight of these completely preventable crimes occurs in a second State. The average time served in State prison for rape is just 5½ years. For child molestation, it is about 4 years. For murder it is just 8 years.

It has become all too common in recent years that victims are violated by someone who has been previously convicted of a crime and then released. Many who commit murder, rape, and child exploitation cannot be rehabilitated. We owe it to our communities to put a stop to that pattern of violence. Aimee's Law will do just that. It will impede the ability of convicted felons to repeat their offenses at the cost of innocent human lives.

Too often we have heard personal stories of the terrible crimes that this legislation could help to eliminate. Ms. Jeremy Brown from my own congressional district in New York State was the only survivor of a man who raped and murdered a number of other women. Having been through this horrible ordeal and having persevered, she demonstrates tremendous courage, symbolic of the reason why we should be passing this legislation today.

To all the courageous people who hope that together we will be able to prevent future violence, our hearts, prayers, and support are with them now and always.

Mr. SCOTT. Mr. Speaker, I yield such time as he may consume to the gentleman from North Carolina (Mr. WATT).

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, it is always difficult to address issues of this kind in the context of legislation because there is a tendency to think that people who oppose a piece of legislation because of concerns about the public policy applications or the cost or the bureaucracy that is created as a result of passage of the legislation are unsympathetic to the victims of crime.

So I want to start by emphasizing that nobody can be unsympathetic to the victim of a rape or sexual abuse, especially one of the kind that has the violence and animus associated with it that was directed at Aimee. We need to go out of our way to express regret and support for families.

There are parts of this bill which are actually very good, and I want to applaud the sponsors of the bill for parts of the bill, although I think there are some other parts of the bill which cause substantial concern and which all of us ought to pay attention to and be concerned about whether we vote for or against this legislation.

Let me talk about two parts of the bill that I think are very valuable. One of those is the requirement in the bill that would provide for collection of data regarding recidivism. It requires the Attorney General to seek and obtain information for each calendar year, starting in 1999, about the number of convictions for murder, rape, or any sex offenses in the United States where the victim has attained the age of 14 years, and subsequent convictions.

This is the same kind of model that a number of us have tried to construct in racial profiling cases, for example: Let us try to collect data that better informs the legislative process so that we know whether there are repeat offenses and the extent to which there are repeat offenses taking place, and if there are repeat offenses taking place and that is a significantly higher problem in this area, then that will help inform what kind of legislative approach we ought to be using going forward.

That is a good thing in this bill. I want to applaud the Members who have supported this bill for bringing that part of the bill forward.

The bill also makes a kind of a half-hearted attempt at establishing a victim assistance fund by transferring up to $100,000 from one State to another of the first State's funds to help the victims of rape.

Many of us are supporters of victim assistance funds, although I would submit to the sponsors of this bill and to my colleagues in the House that doing it in this way and requiring the kind of paperwork and bureaucracy that would be associated with administering the transfer from one State to another State, and having the Attorney General of the United States monitor that kind of funding, is kind of a dumb way, really, to set up a victim assistance process.

If we are going to have a victim assistance process, let us go ahead and set up the victim assistance process and fund it, and say that that is what we are doing. But at least that part of the bill starts to move in the right direction.

But there are some parts of this bill that are just dumb and unworkable, and set up a bureaucracy at the Federal level that does not justify the existence. And ironically, my friends on the Republican side who are always railing against Federal bureaucracy, they are now the ones who are here saying, let us set up this bureaucracy.

It is those parts of the bill that require States, which have already gone through a conviction and a service of time, taking money from their Federal funds and transferring it over to another State, and keeping track of two

or three States down the line and trying to figure out who has the responsibility and who should be paying for incarceration. That is just dumb.

If somebody ought to be put in jail for doing something, put them in jail for doing it, but do not set up some kind of complicated bureaucracy and come in here and beat on one's chest and say that this is something that makes a lot of sense. It does not make a lot of sense.

It is for that reason that we get the National Governors Association saying on August 5 of 1999 about this bill, and I quote, ''This mandate is onerous, impractical, and unworkable.'' We get the National Conference of State Legislatures on May 11 of this year 2000 saying, ''Aimee's Law is worse than an unfunded mandate.''

I am quoting them. This is not the gentleman from North Carolina (Mr. WATT) or the gentleman from Virginia (Mr. SCOTT) saying this, this is the National Conference of State Legislatures, who know that this bureaucracy that we are creating is just dumb. All it does is create a mechanism on the floor of Congress for somebody to beat on their chest and say, we are trying to be tough on crime, and ignore the public policy rationale for what we are trying to do. There is no public policy that would support such a circuitous funding mechanism.

It is that reason that caused the Council of State Governments on August 30, 1999, to say, ''The provision is almost certain to generate a morass of bureaucracy to monitor compliance with the law and to account for subsequent adjustments to block grant amounts awarded to States,'' because we have to have some bureaucracy that monitors the transfer of Federal funds from one State to another.

This just does not make any sense. It does not make any sense. I understand that people are outraged about what happened to Aimee, but our objective here as Members of Congress is not to let our outrage overtake our common sense and set up a bureaucracy that makes no sense; that does nothing, really, to address the real issues that we are sent here to address.

So it is for that reason that we have the National Governors Association, the National Conference of State Legislatures, the Council of State Governments all saying negative things about the bill. And we have the Department of Justice saying, ''This bill will present significant enforcement challenges and will do little to achieve the laudable goal of protecting children.''

There is a laudable goal that the supporters of this bill are trying to achieve. We are not arguing with that. What we are talking about is this stupid, dumb process that this bill puts in place. It is simpleminded, the process that we are putting in place to do this.

□ 1130

There is nothing wrong with the goal that my colleagues are trying to accomplish, and neither the gentleman from Virginia (Mr. SCOTT) nor have I said anything negative about the goal my colleagues are trying to accomplish, it is the process and the bureaucracy and the cost of implementing it that makes no sense.

Everybody at the State and the Federal level who would be involved in the process of implementing this bill have tried to point that out to my colleagues.

Finally, we have independent researchers from universities who have looked at the bill and studied it in detail saying, ''the box score on House Bill 894 is that its probable impact is going to be zero.''

And we are not talking about the goals of the bill. We are talking about the process that is being used. And in the final analysis, where we get to is we get to the bottom line is that some people have decided that it is in vogue to stand up and beat ourselves and pat ourselves on the back for being hard on crime without paying any attention to the way that this bill will be implemented and the impact that it will likely have.

For that, even though I applaud the laudable goals of the sponsors of this bill, I would just say to them, shame on them for using the misery of this family and these children and these young people who have been abused to make a political point.

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

Mr. Speaker, just a quick response to the gentleman from North Carolina (Mr. WATT). Apparently, he has called this dumb, stupid, shame on everybody who supported it, I guess the gentleman is talking to the 180 of your Democrat colleagues who voted for this last year as well. A clear majority, supermajority of your colleagues voted for it as well. I guess, the gentleman does not value their intelligence very much.

Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. DAVIS).

(Mr. DAVIS of Virginia asked and was given permission to revise and extend his remarks.)

Mr. DAVIS of Virginia. Mr. Speaker, my friend, the gentleman from North Carolina (Mr. WATT), says this makes no sense. I think this is the ultimate common sense. In fact, if we went further and tried to tell these States what their sentencing procedures could be, we would be screaming bloody murder and the States would be really making an outcry.

Mr. Speaker, but this does hold somebody accountable for some of these prison systems that treat their prisoners like a Motel 6, they run them in and out of this. In the case of Aimee Willard, it was a life sentence and they let the guy out after 12 years and he comes back and murders again.

To hold those States financially accountable to me makes ultimate sense, and that is all we are doing. We are doing it with Federal funds, we are not doing it with State taxes. I commend my colleague, the gentleman from Arizona (Mr. SALMON) for bringing it to the attention of the House.

Once again, I am happy to support it. This was a great tragedy. If we can avert this, just one tragedy like this, I think it would be well worth it. I would just say to my friends more than 800 murders, 3,500 rapes, 9,600 sexual assaults annually from individuals who are let go early and released early. Somebody ought to be accountable; that is what this legislation does. I am proud to be a cosponsor.

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

Mr. Speaker, 30 States would not be affected one iota by the passage of this legislation. Murderers will not be deterred from committing another murder because one State might have to pay another State some money. The point is by all people who have actually researched it they have concluded that the net effect would be zero.

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

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

Mr. Speaker, I respect very much the gentleman from Virginia (Mr. SCOTT). I know that the gentleman believes just as strongly as I do in the importance of keeping violent offenders off the street. The gentleman cited some letters and communiques from some of the bureaucrats that would be affected by this legislation.

Mr. Speaker, you know something, I really do not care if we offend these bureaucrats. We saw the statistics, 14,000 rapes, murders, molestations every year and we saw the numbers. The small sentences that these people are being given. Of course, these bureaucrats who stand to possibly lose Federal funding because of their irresponsibility and their lack of care for keeping these criminals behind bars and protecting neighborhoods, they will be affected. They will be affected.

The States that are doing a poor job keeping violent rapists, murderers and molesters off the streets, they will be affected. And, of course, their bureaucrats do not like that. They do not want to have any kind of comeuppance. They do not want to be responsible. At the end of the day, though, we have a responsibility to protect our neighborhoods.

This will make a difference. I know that I have heard from the other side that they believe this is stupid, this is dumb. Frankly, I think that brings this debate into a new low level. The fact is, this will change lives, the Fraternal Order of Police, the 40-some victims rights groups across America, the 412 Members of the House that voted for it last year all believe this will make a difference.

If it makes a difference in one person's life, it was worth it.

Mr. DAVIS of Virginia. Mr. Speaker, I rise today in strong support, but with great sadness, for H.R. 894, also known as Aimee's

Law. The conflicting emotions I feel for this bill are borne out of the tragedy that lead to it's introduction.

If I can take a moment now to relate to all the Members listening to this debate, the tragedy that beset Aimee Willard in June of 1996. At the age of 22, Aimee had already established herself as one of the most well-liked and successful students at George Mason University. Not only was Aimee a superb athlete, excelling at both Soccer and Lacrosse, but she had also distinguished herself in the academic arena. Therefore, there can be no doubt that Aimee was returning to her home in Brookhaven, Pennsylvania with nothing but the highest expectations for her future.

In June, 1996, Arthur Bomar made sure Aimee would never have the opportunity to enjoy the future she had worked so hard to prepare for. Bomar, who had been released in 1990 from a Nevada State Prison after serving only 12 years of a Life sentence for murder, spent late May and early June looking for another victim. This predator identified, stalked, kidnaped, raped, and finally murdered Aimee Willard; exacting on her his horrific blood-lust in a manner no human being should ever have to endure. It is my sincere belief that when he brutally attacked Aimee, Arthur Bomar divested himself of any shred of humanity he had left.

The real tragedy of what happened to Aimee in June of 1996, is that the terrible circumstances of her murder are by no means unique. When H.R. 894 passes the House today, we will be one step closer to preventing more than 800 murders, 3,500 rapes, and 9,600 sexual assaults annually. I would like to thank Representative SALMON and Senator SANTORUM for leading the congressional effort to enact the ''No Second Chances'' law. I would also like to personally recognize the efforts of president Alan Merten, and the entire George Mason University, faculty, staff and students, for their tireless efforts to see that no other community has to endure the pain and loss they have suffered.

With that, I urge all my colleagues to support the passage of Aimee's law.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to speak on H.R., 894, ''Aimee's Law.'' This bill addresses some of the worst crimes in our society. And it is incumbent upon us to deliberate the merits of this bill carefully and to ensure that we take into account the rights of all stakeholders in this process.

''Aimee's Law'' is premised on the belief that anyone convicted of murder, rape, or a dangerous sexual offense should be sentenced to death or life imprisonment without the possibility of parole.

This law provides that whenever someone convicted of murder, rape, or a dangerous sexual offense is released from prison and commits another such offense in another state, the state from which the offender was released will be liable for the cost of apprehension, prosecution, incarceration, and the victim's damages (i.e., up to $100,000 for each victim).

The Attorney General is also directed to pay these costs and damages from the federal law enforcement assistance funds to the state of origin. The costs and damage provisions, which are paid out of federal law enforcement assistance funds, are designed to leverage states into passing tougher sentences regarding these crimes or risk losing federal funds.

I have concerns that this bill is premised on a ''Sense of Congress'' that anyone convicted of these crimes should be sentenced to death or life imprisonment without the possibility of parole.

Before taking such drastic actions, I believe that we need to better define the criminal offenses of which one may be convicted. I suggest that we work to narrow the definition of which crimes trigger punishment.

However, I realize, as do most Americans that prevention is the best strategy and if this type of law would provide the appropriate disincentive for potential murders or rapists, I must also recognize this benefit.

As expressed in the Subcommittee Crime hearings, this law, under the definition of Dangerous Sexual Offense in H.R. 894, does not require any age difference between victim and offender on which to base an assumption of predation.

Consequently, unlike other laws that make no such distinction, there is more potential for this bill to have an impact on the sexual abuse of American children.

As a parent, I sympathize with proponents of this bill that want adequate punishment against those convicted of sexual assault, rape or murder. I cannot however support the death penalty aspect of the bill without the simultaneous effort to improve the discriminatory and unjust implementation of the death penalty.

I agree that we must all work to prevent the killing of our youth and like other Members, I am growing weary of having to debate on bills named after murdered children. I do not enjoy hearing of another murdered child because of the failure of our laws to effectively punish repeat offenders.

As a mother, a member of Congress and founder of the Congressional Children's Caucus, I cannot in good faith support the maintenance of laws that create loopholes for sexual predators.

Every 19 seconds a girl or woman is raped, every 70 seconds a child is molested and every 70 seconds a child or adult is murdered.

Yet, despite these horrific statistics, the average time served in prison for rape is 5 years and the average time served in prison for molesting a child is less than 4 years.

We cannot tolerate the perpetuation of violent crimes against women and children any longer! This bill provides States the financial incentive to enact effective legislation that will keep repeat violent offenders behind bars. However, I am concerned that my State of Texas may not be eligible for such funds.

We cannot allow states to continue to act irresponsibly in the prosecution of sexual predators. We all need to work together to help spare families the needless tragedy of having to put to rest their children because the state failed to effectively prosecute a sexual predator.

I am horrified by the story of Aimee Willard, for which this law is named. I hope that no family will ever have to suffer through such a tragedy again, but unfortunately I know that this is not true. I support the enhanced sentencing to keep killers off the street, especially the life without parole provision.

I ask that my colleague put aside their politics and think about the children and families that have been affected because of a lack of adequate enforcement of the laws. Our children need protection now, let's work on this legislation to overcome the concerns expressed and pass the bill so it can be signed by the President.

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

The SPEAKER pro tempore (Mr. KUYKENDALL). The question is on the motion offered by the gentleman from Pennsylvania (Mr. GEKAS) that the House suspend the rules and pass the bill H.R. 894, as amended.

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

A motion to reconsider was laid on the table.

SENSE OF CONGRESS STRONGLY OBJECTING TO EFFORT TO EXPEL HOLY SEE FROM UNITED NATIONS

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 253) expressing the sense of the Congress strongly objecting to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a Permanent Observer.

The Clerk read as follows:

H. CON. RES. 253

Whereas the Holy See is the governing authority of the sovereign state of Vatican City;

Whereas the Holy See has an internationally recognized legal personality that allows it to enter into treaties as the juridical equal of a state and to send and receive diplomatic representatives;

Whereas the diplomatic history of the Holy See began over 1,600 years ago, during the 4th century A.D., and the Holy See currently has formal diplomatic relations with 169 nations, including the United States, and maintains 179 permanent diplomatic missions abroad;

Whereas, although the Holy See was an active participant in a wide range of United Nations activities since 1946 and was eligible to become a member state of the United Nations, it chose instead to become a nonmember state with Permanent Observer status over 35 years ago, in 1964;

Whereas, unlike the governments of other geographically small countries such as Monaco, Nauru, San Marino, and Liechtenstein, the Holy See does not possess a vote in the General Assembly of the United Nations;

Whereas, according to a July 1998 assessment by the United States Department of State, ''[t]he United States values the Holy See's significant contributions to international peace and human rights'';

Whereas during the past year certain organizations that oppose the views of the Holy See regarding the sanctity of human life and the value of the family as the basic unit of society have initiated an organized effort to pressure the United Nations to remove the Permanent Observer status of the Holy See; and

Whereas the removal of the Holy See's Permanent Observer status would constitute an expulsion of the Holy See from the United Nations as a state participant: Now, therefore, be it

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

(1) commends the Holy See for its strong commitment to fundamental human rights,

including the protection of innocent human life both before and after birth, during its 36 years as a Permanent Observer at the United Nations;

(2) strongly objects to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a nonmember state Permanent Observer;

(3) believes that any degradation of the status accorded to the Holy See at the United Nations would seriously damage the credibility of the United Nations by demonstrating that its rules of participation are manipulable for ideological reasons rather than being rooted in neutral principles and objective facts of sovereignty; and

(4) expresses the concern that any such degradation of the status accorded to the Holy See would seriously damage relations between the United Nations and member states that find in the Holy See a moral and ethical presence with which they can work effectively in pursuing humanitarian approaches to international problems.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Pennsylvania (Mr. HOEFFEL) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

GENERAL LEAVE

Mr. SMITH of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 253.

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

There was no objection.

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

(Mr. SMITH of New Jersey asked and was given permission to revise and extend his remarks.)

Mr. SMITH of New Jersey. Mr. Speaker, I hope that every Member of this body will join me in supporting House Concurrent Resolution 253, which I introduced last February along with 37 other cosponsors.

This resolution puts the Congress on record as being strongly against the current anti-Catholic effort to expel the Holy See from the United Nations by depriving it of the Permanent Observer status that it has held for 35 years. The proponents of this effort make no secret of the fact that what really irritates them about the Holy See is its consistent position regarding the sanctity of life and family.

Mr. Speaker, the Holy See is more than entitled to this status that it holds at the United Nations. It is the governing body of the sovereign State of Vatican City. It has an internationally-recognized legal personality that allows it to enter into treaties and to send and to receive diplomatic representatives.

Its diplomatic history stretches back more than 1600 years, a millennium and a half longer than most U.N. Member states have been in existence.

The Holy See currently has formal diplomatic relations with more than 169 nations, including the United States, and it maintains 179 permanent diplomatic missions abroad.

If anything, the Holy See deserves a more permanent role at the United Nations. As our own State Department concluded and I quote, ''the United States values the Holy See's significant contributions to international peace and human rights.'' The Holy See has been an active participant in a wide range of U.N. activities since 1946.

Mr. Speaker, the removal of the Holy See's Permanent Observer status would constitute an absolutely unjustifiable expulsion of the Holy See from the United Nations as a State participant. Just like when there was an anti-Semitic effort some years back to expel Israel, if this anti-Catholicism succeeds, we will take all appropriate actions I am sure in this House, and we and the President and the Senate will to take a second look at our own participation in the United Nations.

Mr. Speaker, I hope every Member of this House will join me in supporting House Concurrent Resolution 253, which I introduced in February of this year along with Mr. HYDE, and which has 37 other bipartisan cosponsors. This resolution puts Congress on record as strongly against the current anti-Catholic effort to expel the Holy See from the United Nations by depriving it of the Permanent Observer status it has held for over 35 years.

The proponents of this effort make no secret of the fact that what really irritates them about the Holy See is its consistent positions concerning the sanction of the family, opposition to efforts to create an international right to abortion. Rather than answer the arguments raised by the Holy See in honest and open debate, these pro-abortion groups want to silence the voice of dissent in the United Nations. Mr. Speaker, this House must take a stand in favor of the free exchange of ideas, and we must also stand against the thinly veiled religious intolerance that lurks behind this effort.

Last year, a number of pro-abortion groups announced what they called the ''See Change'' campaign. This campaign is an attempt to pressure the U.N. into expelling the Holy See as a state participant. Frustrated by the success of the Holy See at cooperating with other delegations to defend the sanctity of life and the integrity of the family against radical proposals at U.N. international conferences, those organizations decided to try a new tack. They are now trying to subvert free discussion by a sovereign state on these topics in the future by depriving the Holy See of its rightful place at the table.

Mr. Speaker, the ''See Change'' proposal is an ideological power play, motivated by pro-abortion and anti-Catholic sentiment. ''See Change'' supporters have attempted to justify their claim that the Holy See does not deserve a seat at the United Nations by comparing the Holy See to EuroDisney and to the Soviet Politburo. I hope and expect that many Members from both sides of the aisle will want to join me in denouncing these offensive remarks—especially in light of the amount of time this House has spent examining far flimsier allegations of anti-Catholicism in the recent past.

In response these vicious insults against the Holy See, more than 1,000 nongovernmental organizations from 44 countries around the world have organized their own, much larger ''Holy See Campaign,'' which opposes the ''See Change'' proposal and supports the longstanding Permanent Observer status of the Holy See at the U.N. This effort is not just Catholic. Protestant, Jewish, Muslim, and Mormon leaders—among others—have also raised their voices in support.

Even those who may disagree with the Holy See on life issues should support H. Con. Res. 253. This resolution is about maintaining the integrity of the United Nations and supporting international pluralism. If ideological preferences are allowed to trump neutral principles of sovereignty—as the See Change activists desire—it will have grave consequences for the U.N. and for the world.

Who might be next on the expulsion list? Israel, or some other nation, with whom someone may disagree.

The Holy See is more than entitled to the status it holds at the United Nations. It is the governing authority of the sovereign state of Vatican City. It has an internationally recognized legal personality that allows it to enter into treaties and to send and receive diplomatic representatives. Its diplomatic history stretches back more than 1,600 years—a millennium and a half longer than most U.N. member states have been in existence. The Holy See currently has formal diplomatic relations with 169 nations, including the United States, and it maintains 179 permanent diplomatic missions abroad.

If anything, the Holy See deserves a more prominent role in the U.N. As the State Department has explicitly stated: ''The United States values the Holy See's significant contributions to international peace and human rights.'' The Holy See has been an active participant in a wide range of United Nations activities since 1946 and was eligible to become a full member state of the U.N. But it chose instead to become a nonmember state with Permanent Observer status in 1964. Because of this choice, unlike the governments of other geographically small countries such as Monaco, San Marino, and Liechtenstein, the Holy See does not possess a vote in the U.N. General Assembly.

The removal of the Holy See's Permanent Observer status would constitute an unjustifiable explusion of the Holy See from the United Nations as a state participant. It is the full legal equivalent of a state, and its expulsion would seriously damage the credibility of the United Nations by demonstrating that its rules of participation are manipulable for ideological reasons rather than being rooted in neutral principles and objective facts of sovereignty. It would also seriously damage relations between the United Nations and member states that find in the Holy See a moral and ethical presence with which they can work effectively in pursuing humanitarian approaches to international problems.

The United Nations operates largely by consensus. In the final analysis, the activists behind the ''See Change'' campaign would like to circumvent that process by silencing a voice they oppose. I urge my colleagues to join me in rejecting this shameful eruption of anti-Catholic bigotry, and submit the following communication for the RECORD.

NATIONAL CONFERENCE OF CATHOLIC BISHOPS,
Washington, DC, July 11, 2000.

Hon. CHRISTOPHER H. SMITH
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CONGRESSMAN SMITH: I write to express our gratitude for your support for maintaining the Holy See's status as a Permanent Observer at the United Nations, a status it has held since 1964.

The Holy See, a state with formal diplomatic relations with more countries than any other sovereign state, has long been an active and valuable non-voting participant in the work of the United Nations.

Since the United Nations was founded, the Holy See has offered strong moral support for this unique global institution, the ideals for which it stands, and may concrete ways in which it seeks to implement these ideals. The Holy See has not only been a responsible participant in the practical work of the United Nations, it has provided a critical moral voice that has helped ensure that the United Nations remains an effective means of protecting basic human rights, promoting authentic development for the world's poor, and encouraging peaceful resolution to violent conflicts around the world.

It is unfortunate that, despite the strong support the Holy See enjoys in the international community, its status at the United Nations has become a matter of ideological and partisan debate. I hope that the Congressional approval of the resolution you have introduced will reaffirm the strong support for the Holy See's role at the United Nations that it enjoys among the community of nations.

Sincerely yours,
Most Rev. JOSEPH A. FIORENZA,
Bishop of Glaveston-Houston,
President, NCCB/USCC.

ARCHDIOCESE OF BALTIMORE,
Baltimore, MD, July 11, 2000.

Hon. CHRIS SMITH,
Congress of the United States, Cannon Building, Washington, DC.

DEAR CONGRESSMAN SMITH: I have just learned that Resolution 253 will be considered today by the House of Representatives. I write to urge the House Members to vote in support of the Resolution.

The initiative to expel the Holy See from the United Nations is one developed and supported by groups which have nothing to do with member nations of the U.N.

As I am sure you know, the Holy See currently enjoys diplomatic relationships with more than 175 nations. A Resolution by the United States Congress in support of the Holy See's status as Permanent Observer to the United Nations would be an expression of the esteem in which Congress holds the Holy See for its role in promoting world peace, human development and human rights.

With every best wish, I remain.

Sincerely yours,
Cardinal WILLIAM H. KEELER,
Archbishop of Baltimore.

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

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

Mr. Speaker, I rise today to commend the Holy See for its contributions to the world community in the areas of peace, human rights, refugees and the underprivileged. I stand in strong support of the right of the Holy See to conduct foreign policy, to send and receive official representatives and to participate in international organizations.

The Holy See is the governing authority of the sovereign State of Vatican City and the central governing authority of the Roman Catholic church.

As an internationally-recognized legal personality, the Holy See enters into treaties as an equal of a state and maintains its right to send and receive diplomatic representatives.

The Holy See currently has formal diplomatic relations with the 169 nations, including the United States and maintains 179 permanent diplomatic missions abroad.

The Holy See is active in international organizations, including the United Nations in New York, the Office of the United Nations in Geneva, the U.N. Food and Agriculture Organization in Rome, and the U.N. Educational, Scientific and Cultural Organization in Paris.

The Holy See has lent its significant moral influence to a number of important international issues, such as international debt relief, nuclear nonproliferation, human rights and ending world hunger.

The Holy See is party to a number of important international treaties and organizations and conventions, including the protocol relating to the Status of Refugees, the Convention against All Forms of Racial Discrimination, and the Convention on the Rights of the Child.

We commend the Holy See for its role in promoting international peace and stability and its efforts on behalf of refugees and the poor. I urge my colleagues to support H. Con. Res. 253.

Frankly, I wish this bill had been referred to the Committee on International Relations so that the committee could take its normal deliberative process over this legislation. We found out from the Republican leadership at 10 p.m. last night this bill would be voted today, but I do vote and do urge my colleagues to support H. Con. Res. 253.

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

Mr. SMITH of New Jersey. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN), the distinguished chairman of the full Committee on International Relations.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman from New Jersey (Mr. SMITH) for yielding me the time.

Mr. Speaker, I am pleased to rise in support of H. Con. Res. 253, a concurrent resolution which objects to efforts to expel the Holy See from the United Nations.

Mr. Speaker, I strongly object to any efforts to expel the Holy See from the United Nations as a state participant by removing the Holy See's Permanent Observer status in the United Nations for a number of reasons.

Simply stated, to expel the Holy See from the U.N. would seriously damage the credibility of the United Nations and would erode the principles that are embodied in that international body.

The Holy See is a governing authority of the State of Vatican City and has an internationally recognized legal personality which allows it to enter into treaties as the juridical equal of a State and to receive and send diplomatic representatives. Not only does the Holy See have every right to be represented in the U.N., but the absence of the Holy See in the U.N. would diminish that international body.

Our own State Department recognized the importance of the Holy See's contributions and has commended the Holy See's many significant contributions to international peace and human rights. I join in that praise and much deserved recognition.

The Holy See has been an active member of the U.N. since 1946 and chose to become a nonmember State with Permanent Observer status in 1964. Although the Holy See does not possess a vote in the General Assembly of the U.N., it has played an important diplomatic role and has been a source for the promotion of diplomacy over a conflict for decades.

However, I do object to the introduction of family planning language in this resolution. I regret its unnecessary inclusion in this resolution dilutes the widespread respect and support of its other worthy diplomatic and moral role of the Holy See. Nevertheless, because of the importance of the principles of human rights and diplomacy that have been championed by the Holy See over the many years, I support this resolution with the reservation that I voice concern of the inclusion of the unnecessary family planning language.

Accordingly, I urge our colleagues to vote for H. Con. Res. 253.

Ms. ROS-LEHTINEN. Mr. Speaker, I rise in support of H. Con. Res. 253.

It is outrageous that the United Nations would even consider expelling the Holy See from the United Nations as a state participant by removing its status as a Permanent Observer.

As the Resolution reflects and history has clearly shown, the Holy See has served as a vehicle for peace, cooperation, and mutual understanding among nations. Since 1946, the Holy See has demonstrated its commitment to the principles on which the United Nations was founded, maintaining its position as an honest broker and objective independent party by choosing to become a nonmember state with Permanent Observer status in 1964.

The Holy See has been sought out throughout the decades to facilitate discussions, to build a bridge, between conflicting parties—having these see each other as human beings rather than as political adversaries. What appeared to be insurmountable obstacles were overcome through the intercession of the Holy See and its dedication to the idea of a global family of nations.

The Holy See exemplifies the essence of the United Nations Charter and mission. To expel it from this international body would be to undermine the very foundation of the United Nations damaging this body's credibility and image of neutrality.

Such degradation of the Holy See would be considered an affront, not only to its status as a State, but would be interpreted as a veiled attack on the moral and ethical principles it represents.

I ask my colleagues to support this important resolution.

Mr. STARK. Mr. Speaker, today I rise in opposition to H. Con. Res. 253. This bill may very well be unconstitutional, is inappropriate, and is counter to the fundamentals I have supported since coming to Congress.

The writers of the Constitution understood the importance of the separation of church and state. While religion plays an important role in our society, ''Congress shall make no law respecting the establishment of religion.'' This resolution recognizes the establishment of the government of a religious institution, the Roman Catholic Church, as a sovereign state. Thus this bill is unconstitutional and should not have even appeared on the floor of the House.

This bill is also grossly inappropriate. The Majority party has consistently refused to pay our dues to the United Nations and has even called for its dissolution, while at the same time trying to tell the UN how to operate. this bill opposes a movement not to remove the Vatican from the United Nations but merely to put the Catholic Church in the same position that all the other non-governmental organizations have in the UN. This movement, if successful, would simply remove voting privileges from the Vatican, a right not enjoyed by any other non-governmental UN member today.

And finally, this bill ''commends the Holy See for its strong commitment to fundamental human rights, including the protection of innocent human life both before and after birth.'' (emphasis added) I cannot vote for a bill that contains such language as I believe that it is a fundamental human right that a woman have the right to decide what happens to her body. I have fought for many years to ensure a woman's right to choose and I will not vote for any bill that suggests that a woman choosing to have an abortion is a person who violates human rights.

For these reasons I urge my fellow members of Congress to vote against this inappropriate campaign check written to make the Republican Party seem even more anti-choice.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today to offer thoughts regarding House Concurrent Resolution 253, which objects to any effort to expel the Holy See from the United Nations. First and foremost, I believe that it is a serious matter that this body is taking the historic position of public debate of the status of any non-governmental organization or nation who may or may not be participants in the governing processes of the United Nations.

Because of our nation's status as the world's sole super power, we should be mindful that the policies and actions of the United States government are not viewed favorably by many people nor their governments who are also members of the United Nation's participant based on their stance on one issue, even if I might personally disagree with their position, would be a move in the wrong direction for this nation and the global community housed under the banner of the United Nations.

Personally, I see the participation of the Holy See in the United Nations to be an acknowledgement of past world history. Since the fourth century, the Holy See has participated in diplomatic missions. For over sixteen hundred years this body has been part of world history, and in 1929, the Vatican City State came into existence with the Lateran Treaty between the Holy See and Italy. The Holy See represents not just Vatican City, but the global membership of the first Christian Church.

In September 1997, the United States reaffirmed the view that our government sees the unique position held by the Holy See in global matters as being appropriate by appointing a former member of this body Corinne ''Lindy'' Claiborne Boggs to be the U.S. Ambassador to the Holy See.

Therefore, I would ask that my fellow members of this body remember that as we uphold the principles of democracy, one of the most important tenants of our system of government is that we do agree to disagree in a civil and organized manner. To try to silence decent through threat, or sensor, or expulsion is not the way to reach our goal of a broader more inclusive society. If our position is valid, then it will weather the test of time and we will be victorious in moving this nation and this world to broader understanding of freedom, democracy and liberty.

I encourage each of my colleagues to consider carefully their vote on this legislation.

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

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 253.

The question was taken.

Mr. SMITH of New Jersey. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

□ 1145

INTERNATIONAL ACADEMIC OPPORTUNITY ACT OF 2000

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4528) to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies at foreign institutions of higher education, as amended.

The Clerk read as follows:

H.R. 4528

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 ''International Academic Opportunity Act of 2000''.

SEC. 2. STATEMENT OF PURPOSE.

It is the purpose of this Act to establish an undergraduate grant program for students of limited financial means from the United States to enable such students to study at institutions of higher education in foreign countries. Such foreign study is intended to broaden the outlook and better prepare such students of demonstrated financial need to assume significant roles in the increasingly global economy.

SEC. 3. ESTABLISHMENT OF GRANT PROGRAM FOR FOREIGN STUDY BY AMERICAN COLLEGE STUDENTS OF LIMITED FINANCIAL MEANS.

(a) ESTABLISHMENT.—Subject to the availability of appropriations and under the authorities of the Mutual Educational and Cultural Exchange Act of 1961, the Secretary of State shall establish and carry out a program in each fiscal year to award grants of up to $5,000, to individuals who meet the requirements of subsection (b), toward the cost of 1 academic year of undergraduate study at an institution of higher education in a foreign country. Grants under this Act shall be known as the ''Benjamin A. Gilman International Scholarships''.

(b) ELIGIBILITY.—An individual referred to in subsection (a) is an individual who—

(1) is a student in good standing at an institution of higher education in the United States (as defined in section 101(a) of the Higher Education Act of 1965);

(2) has been accepted for an academic year of study at an institution of higher education outside the United States (as defined by section 102(b) of the Higher Education Act of 1965);

(3) is receiving any need-based student assistance under title IV of the Higher Education Act of 1965; and

(4) is a citizen or national of the United States.

(c) APPLICATION AND SELECTION.—

(1) Grant application and selection shall be carried out through accredited institutions of higher education in the United States or combination of such institutions under such procedures as are established by the Secretary of State.

(2) In considering applications for grants under this section, priority consideration shall be given to applicants who are receiving Federal Pell Grants under title IV of the Higher Education Act of 1965.

SEC. 4. REPORT TO CONGRESS.

The Secretary of State shall report annually to the Congress concerning the grant program established under this Act. Each such report shall include the following information for the preceding year:

(1) The number of participants.

(2) The institutions of higher education in the United States that participants attended.

(3) The institutions of higher education outside the United States participants attended during their year of study abroad.

(4) The areas of study of participants.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $1,500,000 for each fiscal year to carry out this Act.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect October 1, 2000.

The SPEAKER pro tempore (Mr. KUYKENDALL). Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Pennsylvania (Mr. HOEFFEL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on H.R. 4528, as amended.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I introduced H.R. 4528, the International Academic Opportunity Act of 2000, along with the gentleman from New York (Mr. HINCHEY) because we want to encourage undergraduate college students to study abroad. We believe, as many others do in the academic, exchange and business sectors, that Americans need to be prepared to operate in an international environment and economy. This preparation should start at a young age. It is the reason we wanted to assist college level low-income students to study abroad.

One of the best ways to prepare young people for this global society is to allow them to experience life outside the United States. H.R. 4528 will do that by authorizing $1.5 million to be made available to the State Department for individual student grants of up to $5,000. These grants are targeted to assist lower-income students who otherwise would not be able to consider a study abroad program. These incentive grants are to be used to cover travel or other expenses related to studying overseas.

The intention of the bill is to work within the existing college campus study abroad programs. These grants would allow colleges and universities to reach out to our low-income students that may not have been able to consider such studies because of the additional travel and living expenses. It expands the pool of students who will benefit personally and later professionally from internationally oriented education.

Developed with the assistance of college administrators and exchange experts, it is hoped that a streamlined program will encourage more students to participate in an overseas educational program and be able to motivate them to learn and apply a foreign language. These experiences and skills will serve them well as they enter the workforce. Through these grants, we want to help prepare and motivate our young students to participate in the international arena.

I want to thank the gentleman from New York (Mr. HINCHEY) for his cooperation in this measure.

Accordingly, I urge support for this measure.

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

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

Mr. Speaker, I rise in strong support of H.R. 4528. For many American college students, Mr. Speaker, a year abroad can be a life-changing experience. They are exposed when they are abroad to different cultures, languages, educational and political systems and often emerge from their study abroad experience with a greater appreciation of the complex world in which we all live.

Unfortunately, many college students with few financial resources cannot afford a semester or a year abroad. These students miss a valuable educational opportunity, particularly if they are interested in a career in international relations or foreign affairs.

While it is possible for students to use their Pell Grants and other forms of financial assistance to pay for university costs overseas, the Gilman legislation will provide a critical source of funding to cover all of the costs associated with overseas study, including living and travel expenses.

I commend the gentleman from New York (Chairman GILMAN) for introducing this bill. It is a very worthwhile and appropriate piece of legislation. I urge my colleagues to support H.R. 4528.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I thank the gentleman from New York for yielding me this time.

Mr. Speaker, I want to congratulate the gentleman from New York (Mr. GILMAN) and the gentleman from New York (Mr. HINCHEY), the sponsors of this bill, for H.R. 4528, which creates a new scholarship program to assist low-income students' studies overseas.

As I think my colleagues know, it is now called the Benjamin A. Gilman International Scholarships. During mark-up in our subcommittee, through which it moved in a bipartisan manner, we were very happy to name it after the gentleman from New York (Mr. GILMAN), the distinguished chairman of our committee.

This will help a number of low-income students who very often can get the money for the tuition but do not have the means to get to the country of destination. This will facilitate that. So I think it is an excellent bill, and I want to thank the gentleman from New York (Mr. GILMAN) for his leadership.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I am happy to yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New Jersey (Mr. SMITH), our distinguished chairman of the Subcommittee on International Operations and Human Rights, for having considered this measure at an early date and for favorably recommending it to the House for consideration.

Mr. HOEFFEL. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. HINCHEY), one of the original authors of this bill.

Mr. HINCHEY. Mr. Speaker, I want to, first of all, extend my appreciation for the leadership that the gentleman from New York (Mr. GILMAN), chairman of the Committee on International Relations, is showing with regard to the introduction of this measure. What the gentleman from New York (Mr. GILMAN) is doing here, I think, is extremely important; and the importance of it will resound for many years, decades and longer into the future.

I also want to express my appreciation to Roger Bowen, who is the president of the State University College at New Paltz for his interest in international studies and promoting study abroad.

The bill of the gentleman from New York (Mr. GILMAN) is an extremely important measure. Obviously, it is important for these students who will be the primary beneficiaries in that they will have the opportunity to travel and study in a foreign country and get all of the benefits that flow from such an experience, benefits of interacting with the culture that is different from their own, benefits from having the opportunity to become more familiar with the language which is different from their own, and also opportunities to expand their own personal knowledge and experience.

But the beneficiaries of this bill go far beyond the individuals who will be initially benefited. In fact, I think, Mr. Speaker, the initiative of the gentleman from New York (Mr. GILMAN) will benefit the country as a whole.

As we find more and more that we are put in the position of being the principal leader militarily and economically in so many places around the world, nevertheless, at the same time, we find that so many of our students, future leaders in this country, are unaware of foreign cultures and inadequately versed in foreign languages. That leaves us unable in many ways to take the kind of leadership role which we ought to and appropriately would be taking.

The legislation of the gentleman from New York (Mr. GILMAN) is going to fill that gap. More and more students who would not have the opportunity because of their financial situation to travel and study abroad will now be given the opportunity to do so. Their benefits will inure to themselves, to their families and to their future. But those benefits also will inure in a very profound and long lasting way to the benefits of our country and the other countries around the world with which we interact.

So I think that the gentleman from New York (Mr. GILMAN) is doing something here today that is very, very important; and I hope that all of us will fully recognize the significance of his initiative and that we will all support it very enthusiastically.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of H.R. 4528, the International Academic Opportunity Act. A bill that I feel allows positive movement in the area of education for our country today.

This bill authorizes $1.5 million dollars be given to a program that would enable lower income students, the opportunity to travel and learn abroad. I feel this is an excellent initiative that will serve this country well with the reaped benefits that are produced as these students return back to their communities here in the United States with a moral global mind.

I have long since stated that the economic divide is a strain that must be done away with in this country, and clearly education is a way to achieve that goal. Especially, in the case of international education opportunities, where all socio-economic groups are allowed to participate. Ensuring all students the opportunity for success and growth under our nation's academic umbrella.

This is why I am in strong support of this program that will be known as the Benjamin A. Gilman International Scholarship Program. This will be an effort to help all students afford up to a year of study abroad by providing a grant of up to $5,000, for a year to those accepted into a foreign college or university, that is in partnership with their home institution. This grant will be given only to students who already receive need-based assistance and Pell Grants to complete their education.

I will conclude this speech of strong support with a quote I recently read from John F. Kennedy, "Let us think of education as the means of developing our greatest abilities, because in each of us there is a private hope and dream which, fulfilled, can be translated into benefit for everyone and greater strength for our nation."

These words of wisdom are a perfect guide for what we, as representatives of the people should strive to achieve. The benefit of our country lies in our youth. So I encourage my colleagues to support this important legislation.

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

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

The SPEAKER pro tempore (Mr. MCHUGH). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 4528, as amended.

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

A motion to reconsider was laid on the table.

EXPRESSING CONDEMNATION OF USE OF CHILDREN AS SOLDIERS AND EXPRESSING BELIEF THAT THE UNITED STATES SHOULD SUPPORT AND, WHERE POSSIBLE, LEAD EFFORTS TO END THIS ABUSE OF HUMAN RIGHTS

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 348) expressing condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights, as amended.

The Clerk read as follows:

H. CON. RES. 348

Whereas in the year 2000 approximately 300,000 individuals under the age of 18 are participating in armed conflict in more than 30 countries worldwide;

Whereas many of these children are forcibly conscripted through kidnaping or coercion, while others join military units due to economic necessity, to avenge the loss of a family member, or for their own personal safety;

Whereas many military commanders frequently force child soldiers to commit gruesome acts of ritual killings or torture against their enemies, including against other children;

Whereas many military commanders separate children from their families in order to foster dependence on military units and leaders, leaving children vulnerable to manipulation, deep traumatization, and in need of psychological counseling and rehabilitation;

Whereas child soldiers are exposed to hazardous conditions and risk physical injuries, sexually transmitted diseases, malnutrition, deformed backs and shoulders from carrying overweight loads, and respiratory and skin infections;

Whereas many young female soldiers face the additional psychological and physical horrors of rape and sexual abuse, being enslaved for sexual purposes by militia commanders, and forced to endure severe social stigma should they return home;

Whereas children in northern Uganda continue to be kidnaped by the Lord's Resistance Army (LRA) which is supported and funded by the Government of Sudan and which has committed and continues to commit gross human rights violations in Uganda;

Whereas children in Sri Lanka have been forcibly recruited by the opposition Tamil Tigers movement and forced to kill or be killed in the armed conflict in that country;

Whereas an estimated 7,000 child soldiers have been involved in the conflict in Sierra Leone, some as young as age 10, with many being forced to commit extrajudicial executions, torture, rape, and amputations for the rebel Revolutionary United Front;

Whereas on January 21, 2000, in Geneva, a United Nations Working Group, including representatives from more than eighty governments including the United States, reached consensus on an optional protocol on the use of child soldiers;

Whereas this optional protocol will raise the international minimum age for conscription to age eighteen and will require governments to take all feasible measures to ensure that members of their armed forces under the age of eighteen do not participate directly in combat, prohibit the recruitment and use in armed conflict of persons under the age of eighteen by nongovernmental armed forces, encourage governments to raise the minimum legal age for voluntary recruits above the current standard of 15 and, commits governments to support the demobilization and rehabilitation of child soldiers, and when possible, to allocate resources to this purpose;

Whereas on October 29, 1998, United Nations Secretary General Kofi Annan set minimum age requirements for United Nations peacekeeping personnel that are made available by member nations of the United Nations;

Whereas the participating States of the Organization for Security and Cooperation in Europe, in the 1999 Charter for European Security signed in Istanbul, Turkey, committed themselves to "develop and implement measures to promote the rights and interests of children in armed conflict and postconflict situations, including refugees and internally displaced children" and to "look at ways of preventing forced or compulsory recruitment for use in armed conflict of persons under 18 years of age";

Whereas United Nations Under-Secretary General for Peace-keeping, Bernard Miyet, announced in the Fourth Committee of the General Assembly that contributing governments of member nations were asked not to send civilian police and military observers under the age of 25, and that troops in national contingents should preferably be at least 21 years of age but in no case should they be younger than 18 years of age;

Whereas on August 25, 1999, the United Nations Security Council unanimously passed Resolution 1261 (1999) condemning the use of children in armed conflicts;

Whereas in addressing the Security Council, the Special Representative of the Secretary General for Children and Armed Conflict, Olara Otunnu, urged the adoption of a global three-pronged approach to combat the use of children in armed conflict, first to raise the age limit for recruitment and participation in armed conflict from the present age of 15 to the age of 18, second, to increase international pressure on armed groups which currently abuse children, and third to address the political, social, and economic factors which create an environment where children are induced by appeal of ideology or by socio-economic collapse to become child soldiers;

Whereas the United States delegation to the United Nations working group relating to child soldiers, which included representatives from the Department of Defense, supported the Geneva agreement on the optional protocol;

Whereas on May 25, 2000, the United Nations General Assembly unanimously adopted the optional protocol on the use of child soldiers;

Whereas the optional protocol was opened for signature on June 5, 2000; and

Whereas President Clinton has publicly announced his support of the optional protocol and a speedy process of review and signature: Now, therefore, be it

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

(1) the Congress joins the international community in—

(A) condemning the use of children as soldiers by governmental and nongovernmental armed forces worldwide;

(B) welcoming the optional protocol as a critical first step in ending the use of children as soldiers; and

(C) applauding the decision by the United States Government to support the protocol;

(2) it is the sense of the Congress that—

(A) President Clinton should be commended for signing the optional protocol and should consult closely with the Senate with the objective of building support for this protocol;

(B) the President and the Congress should work together to enact a law that establishes a fund for the rehabilitation and reintegration into society of child soldiers; and

(C) the Departments of State and Defense should undertake all possible efforts to persuade and encourage other governments to ratify and endorse the new optional protocol on the use of child soldiers.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. GILMAN) and the gentleman from Pennsylvania (Mr. HOEFFEL) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. GILMAN).

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Con. Res. 348.

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

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I would like to express my full support of H. Con. Res. 348. This vitally important resolution that was introduced by the gentleman from Georgia (Mr. LEWIS) condemns the use of children as soldiers and expresses the belief that the United States should support efforts to end this practice where up to 300,000 children under the age of 18 are combatants in more than 30 countries around the world.

Mr. Speaker, I had the opportunity last week of joining the President at the U.N. as he signed the protocols with regard to this resolution. I commend the President for signing the U.N. optional protocol on the use of child soldiers, raising the international minimum age for conscription and participation in armed conflict to age 18 and commits the governments to the demobilization and rehabilitation of child soldiers.

This measure asks the President to consult closely with the Senate to build support for the adoption of this protocol and addresses a very serious human rights abuse occurring with alarming frequency in many nations of the world, including Sierra Leone.

Accordingly, I ask for its prompt adoption. I commend the gentleman from Georgia (Mr. LEWIS), who introduced the concurrent resolution, for his advocacy of this measure.

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

Mr. HOEFFEL. Mr. Speaker, I rise in strong support of H. Con. Res. 348.

Mr. Speaker, I yield such time as he may consume to the gentleman from Georgia (Mr. LEWIS), the prime author of this very worthwhile bill.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank the gentleman from Pennsylvania for yielding me this time and for all of his help in support of this effort.

I also, Mr. Speaker, would like to begin by thanking the gentleman from Illinois (Mr. PORTER) and the gentleman from California (Mr. LANTOS) for working with me on this bill. As co-chair of the Human Rights Caucus, the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. PORTER) have led the fight against the use of child soldiers.

I would like to thank the gentleman from Connecticut (Mr. GEJDENSON) and his staff, as well as the gentleman from New Jersey (Mr. SMITH) and the gentleman from New York (Chairman GILMAN), for working with me to bring this bill to the floor.

Mr. Speaker, I have a deep respect for the power of young people. Forty-three years ago, I was but a child myself when I first met Martin Luther King, Jr., and joined the nonviolent struggle for justice in America. So I know, Mr. Speaker, that young people can change the world. That is why the idea of using children as soldiers so disturbs me.

As the last remaining superpower, the United States is morally bound to use our strength to protect those who are weak and exposed. Yet, as we stand here, thousands by thousands of children in Colombia, in Sierra Leone, and countless other countries around the world have been forced to kill at one moment and used as cannon fodder the next. Children who should fill rows of school desks, instead fill columns of soldiers. The brutal use of children to fight adult wars must end. The time is now. Our job is simple, to lead the way.

In January, the United Nations reached an agreement to ban child soldiers.

□ 1200

Last week the President signed this treaty. This resolution calls on the President and the Senate to work together and build support for this protocol. It urges the Congress and the President to establish a fund to help child soldiers reenter society. And most importantly, this resolution calls on the United States to use its moral authority to lead efforts across the globe to put a stop to this brutal practice.

Many of us, Mr. Speaker, have fought long and hard for freedom and justice in our own country, but our commitment to human rights, to peace, to nonviolence, to a sense of community, to justice, that commitment cannot stop at the water. It is our moral obligation, our mission, and our mandate to lead the struggle to protect children everywhere from the violence of war.

Again, Mr. Speaker, I want to thank all of my colleagues for joining in this help, joining in support of this effort to bring this bill to the floor today.

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

Mr. Speaker, I would like to again commend the prime author of this very worthy resolution, the gentleman from Georgia (Mr. LEWIS), for his leadership and his hard work. I would like to acknowledge and commend the President for signing this protocol on July 5 of the year 2000 to end the use of children in war.

This resolution, which condemns the use of children, is worthy. It points out that in the world today approximately 300,000 children between the ages of 5 and 17 have been compelled and forced and abducted and coerced and brutalized into becoming combat soldiers, personal and sexual slaves, porters, or all of the above. This brutal abuse of children has got to stop. This U.N. protocol is a good beginning. Our support of this protocol is appropriate.

The work of the gentleman from Georgia (Mr. LEWIS) is admirable, and I am very pleased to support this resolution and call on all Members of the House to vote in favor of it.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I want to extend my strong support for H. Con. Res. 348, a resolution that will benefit the lives of many of our children around the world.

Last week, I joined President Clinton, U.S. Ambassador to the United Nations Richard Holbrooke, and Treasury Secretary Lawrence Summers for the signing of two landmark Protocols that address prostitution, the impact of pornography on children, and the global practice of child labor. This resolution applauds the decision by the U.S. government to support the Protocol that condemns the use of children as soldiers by government and nongovernment forces.

As we vote on this important resolution, I look forward to backing for the other Protocol regarding child prostitution and slavery.

It is estimated that this year some 300,000 children under the age of 18 are engaged in armed military conflicts in more than 30 countries. Sadly, far too many of these wonderful children are forcibly conscripted through kidnapping or coercion and others joined because of economic necessity, to avenge the loss of a family member or for their own personal safety.

Military commanders often separate children from their families in order to foster dependence on military units and leaders, leaving such children vulnerable to manipulation. That is clearly unacceptable. I believe it is very unfortunate that military forces actually force child soldiers to commit terrible acts of killing or torture against their enemies, including against other children.

Last August, the United Nations Security Council unanimously passed Resolution 1261, condemning the use of children in armed conflict. On May 25, the UN General Assembly unanimously adopted an Optional Protocol on the use of child soldiers. This is a sensible addition to the Convention on the Rights of the Child.

The Protocol extends much needed protection for children. My fellow Americans, this is one of the first international commitments made by this nation that protects our children. We can no longer deny that thousands of children are killed, brutalized, and sold into slavery. In Sierra Leone, half of the rebel forces are under 18 and some are as young as 4 or 5 years of age.

The Protocol addresses such action by raising the international minimum age for conscription and direct participation in armed conflict to age 18, it encourages governments to raise the minimum legal age for voluntary recruits above the current standard of 15 years of age, and it commits governments to support the demobilization and rehabilitation of child soldiers.

That is a very strong step forward. It speaks to an international sense of justice that should, indeed must be honored by governments around the world. We should commend President Clinton, U.S. Ambassador to the United Nations Richard Holbrooke, and U.S. Secretary Lawrence Summers for their leadership on this issue.

I urge my colleagues to support H. Con. Res. 348.

Mr. CROWLEY. Mr. Speaker, I speak today in strong support of H. Con. Res. 348, to express condemnation of the use of children as soldiers.

In dozens of countries around the world, children have become direct participants in war. Denied a childhood and often subjected to horrific violence, some 300,00 children are serving as soldiers in current armed conflicts from Uganda to Colombia, from Sierra Leone to Lebanon. Hundreds of thousands more have been recruited into armed forces and could be sent into combat at any moment. Although most child soldiers are teenagers, some are as young as 7 years old.

Physically vulnerable and easily intimidated, children typically make obedient soldiers. Many are abducted or recruited by force, and often compelled to follow orders under threat of death.

The United States should support, and, where possible, lead efforts to establish and enforce international standards designed to end the use of child soldiers.

On January 21, 2000 in Geneva, a United Nations working group of the Commission on Human Rights reached agreement on the UN protocol on child soldiers. I commend President Clinton for signing this protocol and want to express my hope that the Senate will ratify it as soon as possible.

The House International Relations Committee approved H. Con. Res. 348 unanimously. As a cosponsor, I urge colleagues to give their full support to this important resolution.

Mr. PORTER. Mr. Speaker, I rise today in support of H. Con. Res. 348, expressing the concern of Congress regarding the use of child soldiers around the world.

The Congressional Human Rights Caucus, which I co-chair, has held a number of briefings on the use of child soldiers around the world. Nothing can be more heartbreaking than listening to stories of childhoods cut short—children's descriptions of how they were abducted in the night, made to fight with rebel groups, forced to kill their parents or best friends and commit other unspeakable atrocities. These very children should be in school learning, playing and enjoying their youth not carrying guns and fighting for causes about which they know nothing.

Child soldiers are currently being used in more than thirty countries around the world, including Angola, Colombia, Liberia, Sierra Leone, Sri Lanka, Sudan and Uganda. They serve in both government armies and in armed opposition groups. Some are forcibly recruited, other join hoping to support themselves or their families, or simply because they see it is their best chance for survival. Children sustain far higher casualty rates than their adult counterparts and those who survive often suffer trauma, injury, abuse, or psychological scarring.

I would like to thank the gentleman from Georgia (Mr. LEWIS) for sponsoring this resolution and the gentleman from California (Mr. LANTOS) who has been a leader on this issue for many years. It is vital that the United States Congress speak out against these human rights abuses which occur around the world against our most precious citizens, the children. We must join with the international community in condemning the countries and non-government groups which use children as soldiers. Finally, it is important to recognize this Administration for its role in signing the United Nations international protocol last week which prohibits the use of children in armed conflict.

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

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. GILMAN) that the House suspend the rules and pass the bill, H.R. 348, as amended.

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

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Debate has concluded on all motions to suspend the rules.

Pursuant to the provisions of clause 8, rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed earlier today, and then on those motions postponed from Monday, July 10, in the order in which that motion was entertained.

Votes will be taken in the following order:

House Concurrent Resolution 253, by the yeas and nays;

H.R. 4442, de novo; and

House Resolution 415, de novo.

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

SENSE OF CONGRESS STRONGLY OBJECTING TO EFFORT TO EXPEL HOLY SEE FROM UNITED NATIONS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 253.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 253, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 416, nays 1, not voting 17, as follows:

[Roll No. 379]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
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
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
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jenkins
John
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)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
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
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—1

Stark

NOT VOTING—17

Becerra
Campbell
Chenoweth-Hage
Forbes
Hinojosa
Hoyer
Jefferson
Johnson (CT)
McCollum
McIntosh
McKinney
McNulty
Owens
Payne
Smith (WA)
Vento
Young (AK)

□ 1224

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further proceedings.

NATIONAL WILDLIFE REFUGE SYSTEM CENTENNIAL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4442, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and pass the bill, H.R. 4442, as amended.

The question was taken.

RECORDED VOTE

Mr. SCHAFFER. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 403, noes 15, not voting 16, as follows:

[Roll No. 380]

AYES—403

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berkley
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
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Clay
Clayton
Clement
Clyburn
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
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
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
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
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
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)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—15

Barr
Bonilla
Coble
Coburn
DeLay
Duncan
Herger
Johnson, Sam
LaHood
Paul
Pombo
Rohrabacher
Royce
Stump
Thornberry

NOT VOTING—16

Becerra
Campbell
Chenoweth-Hage
Forbes
Hinojosa
Hoyer
Hutchinson
McCollum
McIntosh
McKinney
McNulty
Owens
Payne
Smith (WA)
Vento
Young (AK)

□ 1232

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SENSE OF THE HOUSE REGARDING ESTABLISHING A NATIONAL OCEAN DAY

The SPEAKER pro tempore (Mr. SIMPSON). The unfinished business is the question of suspending the rules and agreeing to the resolution, H. Res. 415, as amended.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. WALDEN) that the House suspend the rules and agree to the resolution, H. Res. 415, as amended.

The question was taken.

RECORDED VOTE

Mrs. MINK of Hawaii. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 387, noes 28,

answered ''present'' 2, not voting 17, as follows:

[Roll No. 381]

AYES—387

Abercrombie
Aderholt
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
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
Ford
Fossella
Fowler
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
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
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)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
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)
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
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
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NOES—28

Archer
Armey
Barr
Barton
Blunt
Cannon
Chabot
Coburn
Collins
Deal
DeLay
Herger
Hilleary
Johnson, Sam
Kingston
Knollenberg
LaHood
Moran (KS)
Norwood
Paul
Pease
Pombo
Radanovich
Sanford
Smith (MI)
Stump
Thomas
Thornberry

ANSWERED ''PRESENT''—2

Ackerman
Frank (MA)

NOT VOTING—17

Becerra
Campbell
Chenoweth-Hage
Conyers
Forbes
Hoyer
Hutchinson
McCollum
McIntosh
McKinney
McNulty
Owens
Payne
Smith (WA)
Tauzin
Vento
Young (AK)

□ 1242

Mr. MORAN of Kansas changed his vote from ''aye'' to ''no.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. HOYER. Mr. Speaker, earlier today I attended a ceremony in Pennsylvania for the National Governor's Association. Maryland Governor Parris Glendening today became the Chairman of the National Governor's Association and because of my attendance, I was unable to vote on H. Con. Res. 253, H.R. 4442, and H. Res. 415. Had I been present, I would have voted "yes" on rollcall 379, 380, and 381.

□ 1245

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4461, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore. Pursuant to House Resolution 538 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. 4461.

□ 1245

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. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, with Mr. NUSSLE in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 10, 2000, pending was amendment No. 39 by the gentleman from Oregon (Mr. DEFAZIO).

Pursuant to the order of the House of that day, no further amendments to the bill shall be in order except pro forma amendments offered by the chairman and ranking member of the Committee on Appropriations or their designees for the purpose of debate and amendments printed in the CONGRESSIONAL RECORD numbered 9, 29, 32, 37, 48, 61, and 68, which may be offered only by the Member designated in the order of the House or a designee, or the Member who caused it to be printed or a designee, shall be considered read, shall be debatable for 10 minutes, 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.

Eight and one-half minutes of debate remain on amendment No. 39 by the gentleman from Oregon (Mr. DEFAZIO). The gentleman from Oregon (Mr. DEFAZIO) has 2½ minutes remaining, and the gentleman from New Mexico (Mr. SKEEN) has 6 minutes remaining.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington (Mr. DICKS).

Mr. DICKS. Mr. Chairman, I would like to engage in a colloquy with the primary author of the amendment, the gentleman from Oregon (Mr. DEFAZIO).

I want to be clear, in light of my responsibilities on the Subcommittee on

Interior Appropriations, that the recovery programs for threatened and endangered species conducted by the U.S. Fish and Wildlife Service will not be adversely affected.

It is my understanding that the gentleman does not intend to impede recovery programs directed by the U.S. Fish and Wildlife Service and sometimes performed in part by the Wildlife Services.

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

Mr. DICKS. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Mr. Chairman, it is not my intent to impede recovery programs for threatened or endangered species administered by the Fish and Wildlife Service.

Mr. DICKS. Mr. Chairman, I thank the gentleman. I want to emphasize that when these rare killings of threatened or endangered species do occur, the U.S. Fish and Wildlife Service and the Wildlife Services should only use the most humane method of killing, such as shooting or foot snares with tranquilizer tabs.

Mr. DEFAZIO. Mr. Chairman, if the gentleman will again yield, I agree that the Fish and Wildlife Service and Wildlife Services should use the most humane methods in the conduct of their responsibilities under the Endangered Species Act.

Mr. DICKS. Mr. Chairman, I appreciate the gentleman from New Mexico yielding.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho (Mr. SIMPSON).

Mr. SIMPSON. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time.

Mr. Chairman, this may be the most ill-conceived amendment that we have considered during debate on this bill.

Some have called this nothing more than corporate welfare. Well, I will tell my colleagues that in Idaho, Wyoming and Montana, what the Federal Government has done, at a cost of $1 million apiece, is they have reintroduced wolves into the State of Idaho as ''nonessential experimental populations.'' They are costing ranchers and farmers thousands and thousands of dollars. Not only are they costing ranchers and farmers money, they are decimating our elk and deer herds.

Ranchers would like to take care of this problem themselves. Unfortunately, there are substantial penalties and fines involved. It has been said that the Fish and Wildlife Service does not use other nonlethal means of trying to maintain control of these predators. The fact is that we capture them, we trap them, we have taken them to other parts of the State, as far away as 300 and 400 miles; and we find that within 2, 3, 4 days, a week, they are back in their original location, oftentimes.

In fact, last week I was in Idaho in the Saw Tooth Mountains, and I bought this book; and I would like to take just a moment to reintroduce my colleagues or introduce my colleagues to the Saw Tooth pack of wolves in the State of Idaho. Now, I have to admit, these are beautiful animals. In fact, if we look at this page here, this is their class picture in the nice, soft focus. This is Komoto, the alpha leader. He is regal, confident and benevolent. This here is Moto. He is of middle rank. He is bright, curious and energetic. He also initiates play. Unfortunately, let me show my colleagues what play looks like to Bambi. This is what play looks like to Bambi.

Now, I will tell my colleagues, they are causing great problems in the State of Idaho. But we knew as part of the deal of reintroduction of these wolves as a nonessential experimental population is that we would have to manage some of them. We would have to kill some of the wolves that got out of control. That was part of the deal. Unfortunately, we have had to do that. Anyone that thought we were going to reintroduce wolves into Idaho, Montana, Wyoming, Minnesota, or New York had better be prepared to deal with the problem wolves that occur. It is not just in the wilderness. We have mothers that are standing by school buses in Salmon, Idaho, because wolves are on the borders of the communities.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Virginia (Mr. GOODLATTE).

Mr. GOODLATTE. Mr. Chairman, I thank the gentleman for yielding me this time and for his support in opposition to this amendment. This is something that is vitally important to my congressional district where much of it is mountainous land where we have sheep herds; we have other livestock that are threatened by coyotes. It has become a very, very serious problem in the State of Virginia. This is not just a Western problem.

Unfortunately, Virginia only receives $35,000 for the entire State for predator control, and we are losing the battle to preserve a valuable resource in our State. For the first time in history, the Virginia sheep flock has dipped below 100,000 animals. Conversely, the coyote population is growing at a rate of between 20 percent and 50 percent, according to the Virginia Department of Game and Inland Fisheries. The limited amount of money received from the Wildlife Services Program only funds one trapper who has to monitor the traps in 17 counties. The USDA agrees that our area is desperately understaffed. It is impossible for one staff member to monitor 17 counties under the Wildlife Services Program.

Mr. Chairman, I urge my colleagues to oppose this amendment.

Mr. Chairman, this amendment prohibits USDA Wildlife Service (WS) professionals from attempting to prevent wildlife damage. This Wildlife Service program is directed by professional wildlife biologists and is vital to managing wildlife in order to protect human health and safety, prevent environmental damage and to protect agricultural and rural economic interests.

Many perceive this as a strictly Western issue. Not so. Virginia has one of the largest sheep populations in the Eastern United States and Wildlife Services helps protect this valuable resource, valued at $8.1 million. Unfortunately Virginia only receives $35,000 for predator control and we are losing the battle. For the first time in history, the Virginia sheep flock has dipped below 100,000 animals. Conversely, the coyote population is growing at a rate between 20% and 50% according to VA Department of Game and inland fisheries.

The limited amount of money received from the Wildlife Services Program only funds one trapper who has to monitor the traps in 17 counties. USDA agrees that our area is desperately understaffed. It is impossible for one staff member to monitor seventeen counties under the Wildlife Services Program. Because the trapper has responsibility over such a large area he was only able to trap 40 coyotes in Highland county last year. The coyote population is thought to be in the thousands.

I have asked the Department to reexamine their geographic allocation of resources within the Wildlife Services Program to see if more staff can be dedicated to our area but that would take existing resources from an existing program, destroying the investment already made in that area.

Supporters of this amendment will say that the program is bad for the environment. This is simply not true. Many Wildlife Services projects have benefited threatened and endangered species. Wildlife Services personnel work closely with officials from U.S. Fish and Wildlife or the appropriate state agency. Last year, Wildlife Services helped to protect 84 threatened or endangered species from predation. These projects were conducted across 26 states, Puerto Rico, the Virgin Islands and Guam.

What we need are additional resources for this vital program. We can't afford to cut this program. Cutting funds would only hurt those we are trying to help the most in this bill, citizens of rural America. Make no mistake, this amendment isn't about a budget or an economic issue, this is about animal rights. This amendment is about which animals are to be protected and which aren't. The sponsors of the amendment want to protect the noxious beasts that are driving family farms out of business. I want to protect the animals that farmers, ranchers and shepherds are counting on to provide for their own families well being.

Vote ''no'' on this amendment and ''yes'' for rural America.

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

Mr. DEFAZIO. 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, although we need to treat our farmers well, we need to treat our animals humanely, so I rise to support the DeFazio-Bass amendment as a humane effort to deal with our wildlife.

Mr. Chairman, the amendment which curtails the funding for what was formerly known as the Animal Damage Control program.

This amendment cuts $7 million in funding for the Department of Agriculture's inappropriately named ''Wildlife Services'' program. I say

that it is inappropriately named, because the program does nothing to serve in the best interests of wildlife. It is, instead, a program whose purpose is to help farmers cope with natural predators who may prey on their livestock. While I believe that helping farmers is a laudable goal, the problem is that the way this program is administered, little help is provided and much damage caused.

Each year, this program indiscriminately kills 90,000 coyotes, foxes, bears and mountain lions. It is indiscriminate because there are few controls to ensure that the animals being slaughtered are tied to attacks on livestock. Oftentimes, young cubs are caught and killed, and on occasion, even a domesticated dog or cat will be mistakenly felled. This is simply not appropriate—and it should be stopped.

Wildlife Services is cruel because Wildlife Services still insists on using barbaric methods to handle these animals—including poisons, snares, leg-hold traps and even aerial hunting. Sometimes, these animals are simply clubbed to death. Harp Seals are not the only animals that need protection from this brutal practice. We can do better than this—humane animal control techniques exist in our modern world. We can relocate animals that have caused problems.

How is it that we can build an internationally-sponsored space station or clone animals, but yet we cannot find a way to treat our animals humanely? Do we need to spray poison in the face of animals that can contaminate other animals, or even humans, it comes in contact with afterwards? Must we kill not only the offending animal, but also every innocent scavenger that happens upon its corpse? In this scenario, must we curtail the hunting of our nation's beloved national bird, the Bald Eagle and instead subject him to this brutal and inhumane hunting method.

This program has been ineffective, and roundly criticized for decades. It was fully reviewed by advisory committees under the Kennedy, Johnson, Nixon and Carter Administrations—each of which suggested numerous reforms, but none have been adopted.

The General Accounting Office (GAO) similarly released a report in 1995 that found the program to be largely ineffective. Studies have shown the coyotes have adapted to our killing techniques much better than we have adapted towards more humane methods of predator control. Despite a 71% increase in funding for these programs between 1983 and 1993, coyotes have compensated for the culling of their species by simply having more pups. Surely, we have been out-foxed here!

In addition, unlike in the past the amendment will fund Wildlife Services at the level proposed in the President's budget for FY 2001 (about 28.7 million for operations). Simply cutting the excess $7 million subsidy provided in the Committee bill over and above what the Administration considers necessary to carry out Wildlife Service operations nationwide.

We are smarter than this. This House is smarter than this. As a result, I urge my colleagues to support this sensible and humane amendment being offered by Congressmen DEFAZIO and BASS.

Mr. DEFAZIO. Mr. Chairman, I yield myself the remaining time.

There is one issue and one issue only before the House: shall the taxpayers provide a special subsidy to Western ranchers. Approximately $7 million a year is spent on the wasteful, ineffective, indiscriminate killing of wildlife in the Western U.S. and, as we heard from my colleague from Oregon last night, it is not working. Maybe we should try something else.

After more than a half century, there are more coyotes, more dispersed. They do not understand coyotes' biology. Kill the alphas and the rest of them go disperse and breed. They kill nontarget species. Here is a golden eagle. Well, here are some predators right here. We can see these little guys have definitely been feasting on sheep. No, they have not been, but they were killed too.

This program should end. There is no effect on public safety, despite what we hear from others. Bird strikes at airports, rabbit are dangerous to humans, brown tree snakes, dusky geese, endangered species, all of those could continue to be controlled by a nearly $30 million-a-year budget for the animal damage control folks. Farmers and ranchers would be free to hire or themselves use any legal method of control for any threats to their flocks. Why send a Federal employee to take care of their private interests? I cannot call a Federal employee to take care of the possums, deer and raccoons who transgress on my property, probably from the nearby BLM. They will not come. But if I was a rancher, they would. Now, why is this exclusive subsidy made available?

Do not be cowed by the howls of protests from the privileged few who are enjoying this subsidy. Ignore the false sense of their red herring arguments and stop fleecing the taxpayers here today. Vote for this amendment.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Minnesota (Mr. PETERSON) to close debate.

Mr. PETERSON of Minnesota. Mr. Chairman, I thank the gentleman for yielding me this time.

Today I rise as chairman of the Congressional Sportsmen's Caucus that strongly opposes this amendment. On behalf of myself and the other leaders of the caucus who try to speak for the sportsmen of this country, we hope that our colleagues will vote this amendment down.

As sportsmen we are concerned with reserving populations of wildlife for future generations, as well as preserving our right to hunt and fish. The hard reality is that this amendment would create unnecessary and increased wildlife losses.

Contrary to what my colleagues have been told, Wildlife Services reduces the overall amount of wildlife taken by selectively targeting only those animals that are causing damage. In Kansas where Wildlife Services does not conduct a program, the number of animals killed by others is dramatically higher, not less.

But more importantly, this amendment will not only target animals that are bothering ranchers, if part of the budget is eliminated that is being talked about, many areas will be left with no service on protection at all. They will simply eliminate the position because there will not be enough to do. This means that other Wildlife Services functions like airport safety and human protection will not be performed.

Also, areas like northern Minnesota will be left unprotected because species such as the timber wolf can only be effectively taken by professional trappers who know what they are doing. Here we have a species that was protected by the Federal Government, whose population has exploded to double what it was and double the original range, has moved out of the timber area into the farming country, and has caused us a huge amount of problems. If this amendment passes, there will be no way to help those farmers with these livestock losses. It is not feasible for them to control these animals themselves because they are very difficult to hunt or trap.

Maybe, if we release some of these wolves in Eugene, Oregon, or Minneapolis or Boston or San Francisco or New York City, we would have a different attitude on the part of some Members of this House. This is an irresponsible amendment that will do more harm than good. Please join the Congressional Sportsmen's Caucus in opposing this amendment.

Mr. SHAYS. Mr. Chairman, I rise in strong support of the DeFazio-Bass Amendment, which funds the Department of Agriculture Wildlife Services' program for fiscal year 2001 (FY 01) at the level requested by the President, and prohibits funds in the bill from being used for lethal predator control methods.

Put briefly, the Wildlife Services' methods of predator control are ineffective, wasteful and inhumane.

Despite increased spending and increased killing between 1983 and 1993, there was no decrease in the number of livestock lost to predators. Clearly, this is a program in need of serious re-evaluation.

Further, as a co-chair of the Congressional Friends of Animals Caucus, I would be remiss if I did not point out the killing methods currently employed by the Wildlife Services' program are excessively cruel and unselective—commonly capturing both wild and domestic non-target animals alike. These methods—including the use of indiscriminate aerial gunning, steel-jawed leghold traps, poisonous gas, gasoline, smoke and fire—are both inhumane and brutal.

The existence of alternative methods of predator control—including the use of guard dogs, sound and light devices, fencing, carcass removal and night penning—make these practices largely unnecessary. In those instances where lethal control practices are necessary, namely to protect threatened or endangered species, and to protect human health, the DeFazio-Bass amendment allows Wildlife Services to carry out lethal predator control.

Mr. Chairman, I urge my colleagues on both sides of the aisle to support this balanced, common sense amendment which is endorsed

by taxpayer, environmental and humane organizations around the country.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in strong support of the DeFazio-Bass amendment.

This amendment eliminates the proposed increase in funding for the United States Department of Agriculture's (USDA) Wildlife Services' predator control programs. Regrettably, the USDA has participated in some needless and particularly harsh predator control methods. The DeFazio-Bass Amendment highlights this problem and ensures that the USDA is not rewarded for a program that is wasteful, ineffective and unnecessarily cruel to animals.

This cost saving and compassionate amendment reduces funding for the Wildlife Services program to the Administration's budget request. This amendment will not cripple our Wildlife Services predator program nor will it impede USDA efforts to protect public health and safety. The DeFazio-Amendment simply reduces the program in a way that will allow the USDA to place its operations in alignment with public values.

Mr. Chairman, I believe Americans would be outraged to learn that their hard earned tax dollars are being used to set out Steel-Jaw Leghold Traps on our public lands. These devices are banned in 89 countries and a number of states, including my state of New Jersey, because they are a cruel and unusual form of animal punishment that cannot discriminate.

Probably the most egregious predator control practice is ''Denning.'' Federal Wildlife Service employees, who practice ''Denning'' smoke coyote pups from their dens and then kill the pups by clubbing them with shovels when they emerge.

Mr. Chairman, American's tax dollars should not be subsidizing these activities. It is unthinkable that we are spending so much money to kill so many animals by such cruel means. While our Wildlife Services predator program has been effective in some areas, such as controlling bird populations around airports, its lethal predator control activities in western states are unacceptable. Reducing funding for the Lethal Predator program by $7 million will target its most wasteful and needless activities, allowing the USDA to concentrate on more effective compassionate measures.

Mr. Chairman, this amendment makes good fiscal sense and it is environmentally sound. Taxpayers should not subsidize the western livestock industry, and we should not subsidize killing animals in indiscriminate and cruel ways. I urge my colleagues to vote ''Yes'' on the DeFazio-Bass amendment.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) will be postponed.

The point of no quorum is considered withdrawn.

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

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

Mr. SKEEN. I yield to the gentleman from Minnesota.

Mr. MINGE. Mr. Chairman, I rise to engage in a colloquy with the distinguished subcommittee chairman regarding the use of the farm planning and analysis system known as FINPACK.

USDA, through the Farm Service Agency, has determined that this planning and analysis system that has proven to be a useful tool for Minnesota producers is to be terminated as of September 30 this year, the year 2000.

I am seeking to develop report language that directs the Farm Service Agency to develop an effective interface between FINPACK and the Farm and Home Plan presently used by the Farm Service Agency. It is my understanding that the generic interface that is presently developed is not capable of long-term and effective transfer of information.

□ 1300

It is necessary to take FINPACK data and reformat it into the Farm and Home Plan format.

The Farm Service Agency has indicated that they are seeking assistance from the University of Minnesota to accomplish this. The University of Minnesota has informed me that they are a long way today from accomplishing this task because currently there is not a contract in place between the university and the Farm Service Agency to develop this interface.

It is essential that Minnesota producers have an interface that effectively works at field level and is effective in the future, into the future, allowing producers to use the superior management tool that is FINPACK.

I would ask the subcommittee chairman to work with me in the conference committee or in the report language to allow for the time required to develop the interface that is necessary.

I would seek also to delay any implementation of the Farm and Home Plan until an effective and long-term interface is in place.

Is this something that the distinguished chairman would be in a position to assist us with?

Mr. SKEEN. Mr. Chairman, I thank the gentleman for his concern. I will work with him to assure that the FSA provides a smooth transition to a common computing environment for Minnesota FINPACK users. FSA has provided me with a copy of the contract they are entering into with the University of Minnesota to facilitate that endeavor.

In addition, I wish to provide for the RECORD a letter from Mr. Keith Kelly, administrator for the Farm Service Agency, that outlines the agency's plan for using and integrating agency software with their financial software, including FINPACK, and the proprietary software mentioned in the gentleman's statement.

USDA,
Washington, DC, June 16, 2000.

JOE SKEEN,
Rayburn House Office Building, Washington, DC.

DEAR MR. SKEEN: This is in reference to the continued usage of the FINPACK software by the Farm Service Agency (FSA) offices in Minnesota. FSA field offices have been required to use the Agency's automated system called the Farm and Home Plan (FHP) system for many years to produce FHP's for our farm borrowers and to perform various farm planning and analysis functions. With the exception of Minnesota, the FHP system has been used successfully by FSA field offices in all other States. FSA has continued to fund the yearly maintenance and allow Minnesota to use FINPACK until the Agency had developed an interface that would allow for all of the historical FINPACK data to be loaded into the official FHP database housed at each of the FSA field offices.

FSA has developed a generic interface that will provide the capability for data from the FINPACK system to be loaded into the official FHP database. As a result, the FSA field offices in Minnesota will be required to use the Agency's official PC–FHP system beginning in Fiscal Year 2001. The farm borrower community, banks, other lending institutes, and farm management educational organizations will be able to continue their use of FINPACK to perform farm/financial planning and analysis functions as they have done in the past. The only difference will be in the format and layout of the data file(s) sent to the Minnesota FSA field offices for loading into the official FHP database. Once the data file(s) is received by the Minnesota FSA field office staffs, the generic interface will be used to load the data into official FHP database.

This generic interface can also be used to load data into the official FHP database from other farm/financial software packages that are being used by our farm loan borrowers, thereby not limiting its use to FINPACK only, but opening the door for other farm/financial software vendors to interface with FSA's FHP system. Additionally, this generic interface can be used to load data into the official FHP database from farm/financial software packages being used by banks and other lending institutes and farm management educational organizations that support FSA's farm loan borrowers. In regard to the historical FINPACK data, FSA will be contracting with the University of Minnesota for the software development of a data conversion routine that will provide for the one-time data conversion of 5 years of financial and production information from the FINPACK system into FSA's personal computer-FHP (PC–FHP) system. The cost for the software development for the data conversion routine is $25,000. The estimated one-time benefit of implementing an automated solution for converting 5 years of financial and production information into the Agency's PC–FHP system is $300,383.

The Department of Agriculture (USDA) has invested millions of dollars in establishing a Common Computing Environment (CCE) in our field service centers. These service centers provide co-located offices for the three sister agencies: FSA, Rural Development (RD), and the Natural Resources and Conservation Service (NRCS). The establishment of the service centers provides for one-

stop shopping for our customers. In order to provide this service for our customers, FSA, RD, and NRCS must have a common hardware and software platform in the field service center offices. Our CCE efforts have established the standard hardware and software platform in the field offices, and the FHP system is part of that standard. The information obtained from the FHP System is tied locally in each field office and is tied to other mission critical applications. The information is then fed to a central computer system enabling Senior Management to monitor the Agency's portfolio nationally using the same criteria.

In order for USDA's CCE efforts to continue successfully and improve customer service in the field service center offices, it is very important that the software platform on the new CCE equipment be uniform and controlled. Uniformity and control of our software applications help to ensure that all of our customers are being serviced in a like manner. This means that all of our field offices are using the same software applications, such as the FHP system, to service our customers and meet the Agency's business needs. To allow one State, such as Minnesota, to deviate from this common software platform, would impede the efforts of USDA to improve the Agency's computing environment and its ability to provide better service to our customers.

From the financial standpoint, the PC–FHP system was developed by FSA for approximately $250,000. When the cost of the development is divided among the 2,500 field offices, the development per copy is less than $100 per office. The PC–FHP software is currently loaded on more than 10,000 PC's. If the cost for development is divided by the number of PC's, the cost per PC is around $25. The annual maintenance/enhancement cost for the PC–FHP system is $120,000. When the cost for annual maintenance is divided by the number of PC's, the cost per PC is $12. In regard to Minnesota, FSA is currently paying $150 per site license for annual maintenance of the FINPACK software. The cost for a new site license for the FINPACK software is normally $600. However, the Center for Farm Financial Management at the University of Minnesota recently quoted FSA a price of $495 for a new FINPACK site license. Based on this information, if FSA were to buy FINPACK site licenses for our 2,500 field offices, the cost would be $1,237,500 with an annual maintenance cost of $375,000. If the cost for the FINPACK site licenses is divided by the number of PC's, the cost per PC is around $123.73. When the cost for annual maintenance of FINPACK is divided by the number of PC's, the cost per PC is $37.50. The software and maintenance costs of the PC–FHP are still lower than those of FINPACK, if not by a wide margin. However, there are other cost factors to consider. All of FSA's 2,500 field offices have been trained on the use of the PC–FHP system (this includes Minnesota).

As stated above, with the exception of Minnesota, the FHP system is being used successfully by FSA field offices in all other States. If FSA were to implement FINPACK nation-wide, we would have to retrain the staff in all field offices (except Minnesota), on how to use the FINPACK software. The costs associated with this type of training effort would be in the million plus range. Also, please note that FINPACK is a commercial Off-the-Shelf (COTS) software package. There are several COTS software packages out on the Market that perform farm planning an analysis functions, like FINPACK. If FSA were to consider replacing the PC–FHP with a COTS software package, it would have to be done as a competitive procurement effort. Considering these facts and cost information, FSA sees no benefit in replacing the PC–FHP system nationwide with the FINPACK software.

With the development of the interface, data conversion software, and the cost information and justification presented in the above paragraphs, FSA remains firm in its decision to stop support of FINPACK in the Minnesota field offices and require them to use the Agency's official PC–FHP system. We request your assistance in this effort.

Sincerely,

KEITH KELLY,
Acting Administrator.

Mr. MINGE. I thank the gentleman very much.

I should add that we have received a letter from the distinguished chairman, and have had an opportunity to analyze that and feel that there is some additional information we could provide the gentleman and perhaps include in the RECORD about the ongoing difficulties we have in trying to complete this task.

I really look forward to the opportunity to work with the gentleman on this.

Mr. SKEEN. I thank the gentleman. I think we can make a good deal working together. I am ready to do that.

Mr. MINGE. Mr. Chairman, I thank the gentleman very much and include the aforementioned letter.

U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, July 10, 2000.

Hon. JOE SKEEN,
Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SKEEN: I have received your written opposition to the proposed amendment to allow the usage of FINPACK by Minnesota FSA offices. We have researched this issue, and wish to respond to those points as follows:

1. ''FSA is only terminating the use of 44 pieces of FINPACK software in FSA offices in Minnesota in order to facilitate a common computing environment for all FSA offices beginning October 1, 2000.''

Minnesota FSA field staff who work with farm loans (MN Association of Credit Supervisors, NACS) have unanimously asked for the ability to continue to use FINPACK. The National Association of Credit Supervisors, NACS (the employee organization for FSA employees previously part of FmHA) have passed a resolution supporting the continued use of FINPACK by MN FSA. Several hundred lenders, educators and borrowers in MN have contacted congressional offices asking that MN FSA be allowed to continue to use FINPACK.

This decision reaches far beyond 44 MN FSA offices. Following is the resolution agreed to by the NACS National Convention the week of June 19, 2000. Resolution 7. Concern: Procedure 1910–A [1910.4(b)(9)] indicates that projected production, income and expenses, and loan repayment plan, may be submitted on Form FmHA 431–2, ''Farm and Home Plan'', or other similar plans of operation acceptable to FSA. FSA has been using the Finpack or similar systems. For example the Finflo is a 12-month cash flow and takes into account the inventories. The Finan is a more accurate analysis of the Borrowers's previous year's actual records. Farm Management Instructors, many FSA borrowers, and numerous lenders use the Finpack and similar systems. Proposed Solution: Continue to allow the use of Finpack or similar automated systems.

As the ''lender of last resort'' and provider of ''supervised credit'' FSA has a mandate to help producers improve their management capacity and ultimately their financial viability. FINPACK is used by tens of thousands of producers, educators, and lenders outside of FSA to make management decisions. At the same time it is used for credit analysis and applications. It is dual purpose in that it helps producers and at the same time provides information for lenders.

On the other hand, FSA's Farm and Home Plan is used exclusively for credit applications. The FHP is simply a computerized method to fill out government forms that have remained essentially unchanged for more than 50 years. It has not undergone continual development to help producers manage the vastly different agriculture of the 21st century versus the 1950's when the forms were developed. Congress and FSA need to decide whether FSA loan programs will simply be used as means to distribute government loans to financially stressed producers or if these funds will be leveraged by linking them to educational programs that help producers succeed in business. FSA initiated Borrower Training programs several years ago for the very purpose of linking loans to management training. In many states FINPACK is used as the primary training material for Borrower Training. It makes no sense to use an inferior program that does not help producers when a superior program is already being used. The goal should be to provide farmers with the financial tools to succeed.

More than 1,000 Extension Educators use FINPACK to help producers with farm management training. Allowing and encouraging FSA to use FINPACK improves agency efficiency and enhances the benefits producers receive from USDA. In Minnesota, educators, lenders, and FSA share FINPACK data files to save producers time and money and improve the efficiency of each organization. FINPACK allows educators and lenders to share financial data via email or on disks. Removing FINPACK from MN FSA offices is a step backward when considered in the context of how USDA should be serving U.S. producers. Many people think FSA should be trying to replicate the cooperation in MN rather than dismantling it. FSA has stated repeatedly that they plan to develop some of the management components within the FHP that are currently in FINPACK, such as monthly cash flows and historical trend analysis. These developments will be costly and will require significant time before FSA can make them available to producers, but they are already available in FINPACK.

2. ''FSA is providing generic interface capabilities for borrowers, financial institutions and others using FINPACK and other farm and financial management software packages with FSA program files.''

According to the University of Minnesota, FSA has not developed a generic interface. FSA's Farm and Home Plan (FHP) software stores data in a Microsoft Access database. This means that any other software program can export data in Access format and it can be loaded into the Access database. However, FSA has not addressed how lenders, educators and producers can transfer producer ID's so that the FHP knows where to store the data.

The development of a functioning interface would be a valuable development, however, FSA has previously stated that software will be available shortly but struggled to deliver on schedule. Currently FSA has two versions of the Farm and Home Plan software. One that runs on PC's and one that runs on their mainframe System 36 machines. These two versions of the FHP are not interfaced and cannot transfer data. If FSA can't transfer data internally between their offices and systems how optimistic can lenders, educators

and producers that currently supply FINPACK data directly to FSA in MN be that their data will still be accepted by FSA after FINPACK use is terminated in MN FSA offices?

3. ''FSA has contracted with the University of Minnesota to convert 5 years of historical FINPACK data to the FSA software program used in the other 49 states.''

A contract is not in place, nor has one been initiated. The U of MN has verbally agreed to develop an interface that will allow FSA staff to transfer data from FINPACK to FSA's Farm and Home Plan. FSA can store the five years of data, but cannot do any analysis on it (FINPACK can store data indefinitely enabling lenders, educators, mediators, and producers themselves to undertake useful trend analysis).

4. ''A survey of surrounding states to Minnesota shows that less than 5 percent of the farm loan borrowers use FINPACK. And in some instances, almost no borrowers use FINPACK.

According to surveys of FINPACK users, between 30,000 and 60,000 producers use FINPACK annually throughout the country. Most of these producers use the software with the assistance of educators, consultants and lenders. Most producers use FINPACK because they understand the value of financial information to the management of their businesses, not because they are required to use it. One question that must be asked is how FSA determined that 5 percent of their borrowers use FINPACK. Were borrowers actually surveyed or did FSA simply ask field staff to estimate the number of borrowers they think use FINPACK?

5. ''And finally, delinquency rates for Minnesota and the surrounding states shows that Minnesota has a farm loan delinquency rate of 19 percent, almost twice the rate of the surrounding states that don't use FINPACK.''

This statement illustrates the misinformation that continues to be used in discussions regarding FINPACK. The FSA loan delinquency rate in the two high volume northwest Minnesota districts are 19.5 and 23.0 percent. Across the border in North Dakota it is 21.0 percent. This Red River Valley area has experienced severe flooding and crop disease problems for at least five consecutive years. The south central district of Minnesota has a delinquency rate of 4.5 percent. Across the border in Iowa the delinquency rate is 9.6 percent. Additionally, a study conducted in North Dakota in December 1996 showed that producers who use FINPACK on average showed $1,000 to $3,500 improvement in net farm income per year.

''While I am not suggesting use of FINPACK alone is a reason for the poor loan delinquencies, I am only suggesting that FSA should have an opportunity to administer the farm loan program in a like manner across the nation without parochial interference. For these reasons, I oppose the Gentleman's amendment and ask that his amendment be defeated.''

FINPACK conforms to the Farm Financial Guidelines established by the Farm Financial Council, a task force initiated in the early 1990's by the American Banker's Association. FSA has made no attempt to conform the Farm and Home Plan to these guidelines. FINPACK meets the FSA requirements to provide a monthly cash flow for FSA's Interest Assistance Program. The Farm and Home Plan can't generate a monthly cash flow and therefore can't meet the federal regulations for applications for the Interest Assistance. FSA has attempted to develop a viable Farm and Home Plan software program for more than 15 years with marginal success. In the mid 1990's they spent millions on the aborted attempts to develop farm accounting software. FSA is a farm credit agency, not a software developer. If Congress were to announce that it is spending millions of dollars to write its own software instead of utilizing better, more comprehensive, market tested products, there would be outright public revolt. FSA should be held to the same standard.

In conclusion, FINPACK is an extremely valuable tool that has offered an opportunity to Minnesota producers to compete in an extremely difficult economic crisis. It has also provided an opportunity for Minnesota FSA offices to work with these producers in an efficient manner.

It would be extremely unfortunate to lose this tool.

Sincerely,

DAVID MINGE,
Member of Congress.
GIL GUTKNECHT,
Member of Congress.

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

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

Mr. SKEEN. I yield to the gentleman from Georgia.

Mr. KINGSTON. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from New Jersey (Mr. PALLONE). Perhaps we can proceed that way.

Mr. SKEEN. I believe we can do that.

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

Mr. SKEEN. I yield to the gentleman from New Jersey.

Mr. PALLONE. I thank the Chairman for yielding to me.

Mr. Chairman, I have an amendment, but I would like to enter into this colloquy in lieu of that at this time.

Each year over 660,000 people become ill and more than 300 die from a single contaminant in a single food. That is the bacterium Salmonella in eggs. More than 170 outbreaks of Salmonella illness from eggs have been documented in the past decade. Children, the elderly, and the immune-impaired are especially at risk.

In an effort to combat the threat to public safety posed by Salmonella eggs, the administration proposed an egg safety action plan last December. The Food and Drug Administration is currently in the process of developing regulations to implement this plan.

It is extremely important that Congress join the administration in an effort to implement a strong science-based system to locate eggs contaminated by Salmonella before they reach the consumer.

During the committee process for the agricultural appropriations bill, my colleague, the gentleman from Georgia (Mr. KINGSTON), successfully offered an amendment that was of great concern to a number of food safety, public health and consumer groups, as well as a host of Members in this body who regularly work on food safety issues.

Accordingly, I drafted an amendment to strike the Kingston language from the bill that I intended to offer today.

Specifically, I was concerned about three issues. The first was that the Kingston amendment would have sharply limited environmental testing for Salmonella. Producers need to test the chickens' environment, not just the eggs, to find out if the flock is contaminated with Salmonella.

My concern on this front is that the Kingston amendment would have limited environmental testing until 2 or 3 weeks before the end of the life of the flock. If Salmonella is found at that time, it is far too late to recall or pasteurize most of the eggs produced by the contaminated flock, and the public will have been put at risk. Testing should occur at a much earlier time in order to ensure that if Salmonella is found, it is found early enough to prevent the contaminated eggs from reaching consumers.

Secondly, I was concerned that the Kingston language would have severely restricted the FDA's authority to require the egg industry to identify contaminated eggs and pasteurize them. Pasteurization eliminates Salmonella but reduces the value of the egg because it can no longer be sold as a table egg.

As I understood it, the Kingston amendment would have prevented FDA from requiring pasteurization on the basis of environmental testing. If an environment tests positive for Salmonella, the eggs that come from that environment must be properly tested to determine if they are contaminated.

While it is true that a positive environment does not automatically mean eggs from that environment are contaminated, it is also true there is a great chance there will be contaminated eggs from that environment. Accordingly, we must have a system that takes the condition of the environment into consideration during the process of determining which eggs need to be diverted to pasteurization.

Lastly, Mr. Chairman, I was concerned that the Kingston amendment would have required the taxpayer to foot the bill for testing eggs for Salmonella, instead of the egg producers. Many in the Egg Industry Council contend that it is fair to have the government pick up the tab for the testing because the government pays for Salmonella testing of meat and poultry.

It is important to keep two points in mind, however. The first is that meet meat and poultry producers do not get a free ride. The government requires them to pay for E. Coli testing. The second is that although the government does pay for Salmonella testing in meat and poultry, it also owns the data and makes that data available to the public. So, in my view, it is very appropriate for egg producers to pay for the cost of Salmonella testing. It is also important to make sure that if the government pays for any testing, it owns the data from the testing.

Fortunately, over the last several weeks negotiations between those of us concerned about the Kingston amendment, including myself, the gentleman from Ohio (Mr. BROWN), the Center for

Science in the Public Interest, the Food Animal Concerns Trust, and those supporting the Kingston amendment, including the United Egg Producers, continued.

It is my understanding that, as a result of those negotiations, the United Egg Producers have accepted a number of the recommendations the coalition of food safety, public health, and consumer groups were advocating be adopted to improve the Kingston amendment.

I would like to enter into a colloquy with the gentleman from Georgia and ask him to elaborate on the actions that United Egg Producers have taken in recent days.

Mr. KINGSTON. Mr. Speaker, if the gentleman from New Mexico will continue to yield, I thank the gentleman from New Jersey for his interest in working with us. I wanted to say also we will gladly do a colloquy with the gentleman on this.

First of all, it is important to keep the burden of the solution in proportion to the problem. According to the President's egg safety plan, only one in 20,000 eggs contain Salmonella enteritis, and the presence of this bacteria in a raw egg alone does not guarantee illness upon consumption.

Secondly, according to the Centers for Disease Control, the number of reported deaths from this type of Salmonella in eggs during 1999 was zero.

Third, if we cook the egg, the risk is zero.

As the gentleman can imagine, I disagree with some of his interpretations of our amendment. For example, the Kingston amendment does not prohibit environmental testing, nor does it require that such testing be limited to 2 or 3 weeks before the end of the life of the flock. The language is not that specific.

In addition, in responding to the gentleman's comments on SE testing, I simply note that the Federal government not only pays SE testing costs, it also pays the cost of mandatory inspections for meat, for poultry, and for processed eggs.

The CHAIRMAN. The time of the gentleman from New Mexico (Mr. SKEEN) has expired.

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

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

Mr. SKEEN. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, I thank the gentleman for continuing to yield to me.

Mr. Chairman, the Federal government not only pays SE testing costs, it also pays the cost of mandatory inspection for meat, poultry, and for processed egg products. Moreover, in the frequently-cited Pennsylvania Egg Quality Assurance Program, the State government pays testing costs. Some have mentioned E coli testing, but that is not a problem in eggs.

In short, almost all the relevant precedents support public funding.

There are several other points on which I cannot agree with the gentleman's characterization of the amendment, but it will be more productive to describe the informal discussions to which he has also referred.

Egg producers continue to support the Kingston amendment. However, they also have been reassured during these informal discussions by statements from the FDA about the agency's current thinking on egg safety regulation. The egg producers feel that FDA's current intentions are considerably more reasonable than was implied in the egg safety action plan when it was released in December.

I am prepared to negotiate during the conference, and the egg producers are prepared to support, a compromise package. We cannot know the outcome of conference negotiations for certain because we cannot control the Senate. However, both the producers and I promise our best efforts towards a compromise.

Our position will be as follows: Producers would conduct an environmental test when flocks are 40 to 45 weeks of age. They would pay for this test. If additional environmental tests were required, that could only be on the basis of sound science, and then the costs would be publicly funded.

In addition, the FDA would need to consider the amount of testing required in current national and State quality assurance programs in establishing testing requirements.

Secondly, eggs will only be required to be diverted into processing based on positive egg tests, which would be required if an environmental test was positive. Producers would pay for the egg tests.

Although this would not be part of the statutory language, we expect that the egg labeling proposal from last July will be substantially modified to take into account comments received. In addition, we expect that the FDA will consider adding such important steps as vaccination into its protocols for quality assurance programs.

We have discussed other important issues such as trace-backs, the safety aspects of grading programs, and consistent enforcement of the rules, and expect that these can be dealt with also.

I believe this is an accurate and complete description of the concepts that we have discussed with the FDA, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Ohio (Mr. BROWN), consumer advocates, and others.

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

Mr. SKEEN. I yield to the gentleman from New Jersey.

Mr. PALLONE. Mr. Chairman, in light of the developments and what the gentleman from Georgia (Mr. KINGSTON) said, I would ask the gentleman if he would be willing to work with myself, the gentleman from Ohio (Mr. BROWN) and the gentlewoman from Ohio (Ms. KAPTUR) to develop report language that we can all agree to that would detail how we all envision this amendment will be implemented.

If my colleague, the gentleman from Georgia (Mr. KINGSTON) will be working with us to accurately reflect the agreement we have reached, I will withdraw my amendment.

Mr. KINGSTON. Mr. Chairman, if the gentleman will continue to yield, I will work with the gentleman and want to make sure that everybody is on board. We will move towards that. There are obviously no guarantees, but I am confident that we can come up with a good solution for all parties.

Mr. PALLONE. I thank the gentleman and I thank the chairman.

Mr. SKEEN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from Oklahoma (Mr. WATKINS).

Mr. WATKINS. Mr. Chairman, I would say to the chairman, as he knows, due to this year's budget numbers, funding was not appropriated for two additional projects I had requested for the State of Oklahoma. I believe these projects are vital not only for Oklahoma but also for several States in the surrounding area.

The first request called for something that the gentleman is familiar with, the concern for research funding for shipping fever, a severe respiratory disease to cattle often contracted during the transportation to market.

Shipping fever is the major cause of clinical disease and death loss of stock and feed lot cattle in Oklahoma and the southwestern States, including New Mexico. Nationwide, this disease results in economic losses to producers of an estimated $1 billion.

The Shipping Fever Research Project is a multidisciplinary, multi-institutional, multistate project that complements ongoing research in several universities.

The second request, this was from last week when I went down to research a USDA project in my area, the second is funding of a USDA special grant for OSU to conduct research focusing on developing vegetable production systems for the market areas in the Dallas, Oklahoma City, Kansas City, and St. Louis regions.

Recent changes in Federal price support programs allow producers the flexibility to shift into more profitable vegetable production while retaining basic support.

This grant that enhances the potential for producers to shift into fresh market vegetable production is great. I think it would be helpful to the farmers in all the area.

Mr. Chairman, I know the Senate has agreed to fund the vegetable market project at last year's level, but I would ask for the chairman's efforts and work to increase the funds in the conference.

I hope that within the budget numbers the gentleman has to work with that he can find the funds for both of these very, very worthwhile programs

and projects to help our farmers and reference. I commend the chairman for his efforts, and I respectfully ask the chairman's consideration and help concerning these requests in the upcoming conference.

Mr. SKEEN. I always appreciate the gentleman's earnest efforts on behalf of his constituents. Accordingly, and with the full knowledge of our funding constraints, I will attempt to address the gentleman's concerns in the conference.

Mr. WATKINS. I appreciate the chairman's help very, very much.

Mr. SKEEN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from California (Mr. OSE).

□ 1315

Mr. OSE. Mr. Chairman, yesterday, on Monday, July 10, a farmer cooperative with many producer members in my district filed for bankruptcy protection. Hopefully, they will be able to overcome the financial challenges that lie ahead of them. But with the prices of farm commodities so low, they face an incredibly difficult financial obstacle course.

I want to personally thank the gentleman from New Mexico (Mr. SKEEN) for his work on this important bill. It will help many farmers and ranchers in my district and in the State of California. Many of the provisions allow our producers to market their products overseas and to successfully compete against heavily subsidized agricultural producers from the European Union.

In spite of all of these things that Congress is doing, such as passing this bill and passing the Agricultural Risk Protection Act to help the producers of America's food to stay on the farm, many of our farmers and some co-ops remain in financial trouble.

Our farmers and ranchers cannot stay on the farm unless they make a profit. Mr. Chairman, I know of the strong commitment of the gentleman from New Mexico (Mr. SKEEN) to our agricultural producers. They need to know that when times are bad, this Congress will do what is necessary with tools already at hand to assure that they can continue growing the commodities our Nation wants and needs.

Mr. Chairman, I am seeking the assistance of the gentleman from New Mexico (Mr. SKEEN) to convince the Secretary of Agriculture to use whatever appropriate means he has at his disposal to relieve this situation.

Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN) for his consideration in this matter. I look forward to working with the gentleman.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from California (Mr. OSE) for working so hard on behalf of the agriculture in his district. The family farmer and ranchers face many difficult challenges, and it is my belief that the provisions in this bill will help them.

I am committed to working with the gentleman from California (Mr. OSE) to ensure that the producers in his district have the necessary support to overcome the financial challenges facing them.

Mr. OSE. Mr. Chairman, I thank the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I move to strike the last word, and I yield to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. Mr. Chairman, this is one of the most challenging periods of time in the last 10 years for apple growers. Low prices, labor issues and regulatory actions are posing significant barriers to success in this important sector for agriculture.

For example, Mr. Chairman, according to USDA, U.S. apple growers have suffered losses of $760 million over the last 3 years. Also, in the past several years, apple prices have been at the lowest levels in over a decade.

These extreme, unprecedented, economic losses are due to a variety of factors, including the loss of markets, unknown fair competition from below-market imports from China, and lastly, weather-related disasters which have reduced yields, as well as quality and prices.

The cumulative losses have resulted in dire financial conditions. Mr. Chairman, many financial institutions are no longer willing to provide new loans to apple growers who are now seen as high risks. As a result, many growers will be forced out of business without aid.

In the last 2 years, Mr. Chairman, Congress has provided $22 billion in emergency farm relief to address low commodity prices in natural disasters. An additional $7 billion has recently been advanced as part of the crop insurance reforms. Despite all of this, apple growers have received none of the assistance, even though they have suffered losses just as severely as any other ag sector.

This is why I am so pleased that $115 million has been provided in the ag appropriations bill to assist apple and potato growers and I thank the gentleman from New Mexico (Chairman SKEEN) for his good work and support in this effort.

While this funding is enormously helpful, Mr. Chairman, and long overdue, there are even greater challenges facing a significant group of farmers in my district and throughout New York State.

Just last month, massive hailstorms struck the Hudson Valley region of New York, bringing widespread and extensive crop damage to Columbia, Dutchess, Orange and Ulster Counties, some of which I viewed firsthand and it was truly devastating.

Mr. Chairman, allow me to quantify that damage. Apple production losses are estimated at over 2 million bushels on approximately 7,450 affected acres. As a result, growers intend to completely abandon over 2,100 acres of fruit this season, further resulting in losses such as $19.8 billion in lost production revenue, $13.1 million in lost farm worker wages.

Area growers are working closely with local and State farm service agency offices to document losses. In New York, Governor Pataki has requested disaster designations from the Secretary of Agriculture for these counties. We are currently awaiting those designations.

Let me point out, Mr. Chairman, there are problems with disaster programs at USDA. Although New York apple growers have suffered $41 million in weather-related losses prior to this year, they received only $1.8 million in Federal crop-loss disaster assistance from USDA.

Area farmers have experienced losses needing at a minimum three action items taken in order to rectify them. The first being a disaster designation as soon as possible to make affected growers eligible for short-term disaster relief aid. Secondly, implementation of reforms to crop insurance to ensure that fruit growers have cost-effective insurance coverage for catastrophic losses; and, finally, direct grant aid to offset the catastrophic losses based on actual crop loses.

I would like to ask the gentleman from New Mexico (Chairman SKEEN) for the opportunity to work with him and his subcommittee through conference in ensuring that USDA is devoting the appropriate resources to the growers in need in New York State.

Mr. SKEEN. Mr. Chairman, reclaiming my time, as is evident in the bill now, I will be pleased to work with the gentleman from New York (Mr. SWEENEY) as the bill advances. I thank the gentleman for bringing this to our attention, and it has been good working with the gentleman.

Mr. SWEENEY. Mr. Chairman, I thank the gentleman from New Mexico. At this point, these types of issues affect practically all regions and sectors of agriculture over the course of time. We are also at this time seeing significant rains negatively affect many sectors of agriculture in the Northeast.

As we have worked together on other issues affecting New York agriculture, I look forward to continuing to work with the gentleman on these issues affecting New York apple growers.

AMENDMENT NO. 32 OFFERED BY MR. ALLEN

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 32 offered by Mr. ALLEN:

Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not, before completion of the approval process, provide to the Secretary of Health and Human Services a written statement specifying the total cost of research and development with respect to such

drug, by stage of drug development, including a separate statement specifying the portion paid with Federal funds and the portion paid with State funds.

The CHAIRMAN. Pursuant to the order of the House for Monday, July 10, 2000, the gentleman from Maine (Mr. ALLEN) will be recognized for 5 minutes, and the gentleman from New Mexico (Mr. SKEEN) will be recognized for 5 minutes.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Mexico reserves a point of order.

The Chair recognizes the gentleman from Maine (Mr. ALLEN) for 5 minutes.

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

Mr. Chairman, during the debate on this legislation yesterday, there was a great deal of bipartisan concern about the high prices that our seniors pay for their prescription drugs.

In fact, we did pass the Crowley-Coburn amendment which would provide for those seniors who are healthy enough and able enough to go to another country to buy their prescription drugs relief for those few. But it is worth remembering that only 2 weeks ago the majority in this House passed by three votes a piece of legislation preferred by the pharmaceutical industry that would rely on private insurance companies for seniors to get prescription drug coverage.

At the same time, a Democratic alternative that would have provided a Medicare prescription drug benefit was not allowed even to have a vote in full debate. Today, I rise to offer an amendment that would give taxpayers full disclosure of their investment in the research and development of prescription drugs. In the debate over extending a prescription drug benefit to Medicare beneficiaries, the pharmaceutical industry has repeatedly raised concerns that efforts to make drugs affordable could impact their ability to conduct research and development of new drugs.

Mr. Chairman, we all support the industry's breakthroughs that have improved and extended the lives of people with serious illnesses and chronic disabilities, but the explosion in prescription drugs' prices, increased utilization, the widespread lack of prescription drug coverage has left millions of Americans unable to afford the drugs that their doctors tell them they have to take.

When Medicare was created 35 years ago, there was no provision for prescription drug insurance, because the pharmaceuticals played a smaller role in health care and that was not a significant cost. But today seniors, who represent 12 percent of the population, consume one-third of all prescription drugs.

The lack of adequate coverage, combined with a high price of prescription drugs means that seniors are left to make choices that no American should make. Do they pay the rent or take their high blood pressure medication? Do they buy groceries this week or fill their prescription for an osteoporosis drug?

Now, the pharmaceutical industry has been working to stop our efforts to provide a benefit under Medicare or a discount for seniors who need a discount, and it is also true they always make the point that they need these huge profits in order to conduct research and development, but after they spend in 1999, $24 billion in research and development, they still had $27.3 billion in profits. These dozen or more companies.

The April issue of Fortune magazine reports that once again, Fortune pharmaceuticals are the most profitable industry in the country by every measure; number one in return on revenues, number one in return on assets, number one in return on shareholder equity.

Now, the historical evidence suggests to us that continued R&D will increase despite what the industry says. In 1984, when the Waxman-Hatch Act was passed, the industry predicted that it would lead to cutbacks in R&D; but, in fact, the pharmaceutical companies more than doubled their investment in research and development from $4.1 billion to $8.4 billion over the 5 years following the enactment of that legislation.

Finally, I would note that what is going on here is that the pharmaceutical industry is developing new drugs in partnership with the public. Though we do not have exact figures, an estimate by the National Institutes of Health is that taxpayer-funded research, combined with private foundation-funded research, accounts for almost 50 percent of all the medical research in this country related to pharmaceuticals.

It is time for the industry to disclose just how much is spent by private industry and just how much is spent by the taxpayers essentially in the development of new drugs. We need real figures from the industry.

Our amendment is simple. We are simply asking for disclosure. We should not expend any money for the FDA to approve a new drug application unless the total cost of research and development of the drug is revealed.

Mr. Chairman, we are particularly interested in knowing how much taxpayers have contributed to the development of these new drugs.

The CHAIRMAN. Does the gentleman from New Mexico continue to reserve a point of order?

Mr. SKEEN. Mr. Chairman, I continue to reserve a point of order.

Mr. Chairman, I claim the 5 minutes in opposition, and I yield such time as he may consume to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New Mexico (Mr. SKEEN), the chairman, for yielding me the time, and I rise in opposition to this amendment.

Mr. Chairman, all of us here are supportive of providing better access to prescription drugs to those that need them. Just 2 weeks ago, we fought all day to provide greater coverage for older Americans.

We all agree that no person, particularly the older people, the elderly, should ever have to choose between food and medicine. But as we work to provide greater coverage and access, we do not want to undermine today's private scientific research and medical innovation that will continue to find tomorrow's cures, which I believe this amendment does.

Mr. Chairman, in our collective excitement to do more here, some today appear to be determined to do just that with a number of seemingly attractive amendments to this agricultural appropriations bill. They seek to do so by promoting poorly disguised price controls, by throwing out Food and Drug Administration protections for consumers, by suggesting that all imported drugs are safe, reliable and fresh, and we know they are not; by holding up Canada as a model of health care delivery and inexpensive medicines, which it is not; by requiring price disclosures that no other American industry has to comply with; and by demanding research and development information and denying their product approvals if not forthcoming and by ignoring the fact that about 25 cents on the R&D dollar actually results in an approved FDA product or new medicine.

And they seek to do so, Mr. Chairman, by suggesting that it is only the National Institutes of Health that does basic research and that the taxpayers are being ripped off by the pharmaceutical companies. While the rhetoric fits the times, the facts deserve some weight.

With specific regard to the Allen amendment, I believe we are better served by promoting research partnerships between government and the private sector that yield new medicines and cures, not by discouraging them. This amendment deserves to be soundly defeated.

The CHAIRMAN. The gentleman from Maine (Mr. ALLEN) has 15 seconds remaining and the gentleman from New Mexico (Mr. SKEEN) has 2¾ minutes remaining.

Mr. ALLEN. Mr. Chairman, I yield the balance of our time to the gentleman from Ohio (Mr. BROWN).

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman from Maine (Mr. ALLEN) for his good work on this. We need to know what is behind the $500 million claim from the drug industry. We need to know if marketing costs are factored in, if executive salaries are factored in, if administrative costs are factored in. If the drug company wants American consumers to buy into the premise that outrageous prices are essential for research and development, they need to show us the numbers.

□ 1330

The CHAIRMAN. The gentleman from New Mexico has 2¾ minutes remaining.

Mr. SKEEN. Mr. Chairman, I continue to reserve the point of order.

The CHAIRMAN. Does the gentleman from New Mexico insist on his point of order?

Mr. SKEEN. Mr. Chairman, does the gentleman from Maine (Mr. ALLEN) withdraw his amendment?

Mr. ALLEN. Mr. Chairman, I understand the point of the point made by the gentleman from New Mexico (Mr. SKEEN), chairman of the committee, and consequently I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 37 OFFERED BY MR. BROWN OF OHIO

Mr. BROWN of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 37 offered by Mr. BROWN of Ohio:

Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the amounts made available in this Act for the Food and Drug Administration may be expended to approve any application for a new drug submitted by an entity that does not agree to publicly disclose, on a quarterly basis during the patent life of the drug, the average price charged by the manufacturer for the most common dosage of the drug (expressed as total revenues divided by total units sold) in each country that is a member of the Organisation for Economic Co-operation and Development.

Mr. SKEEN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from New Mexico reserves a point of order.

Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from Ohio (Mr. BROWN) and a Member opposed each will control 5 minutes.

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

Mr. BROWN of Ohio. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am pleased to offer this amendment with the gentleman from Maine (Mr. ALLEN) and the gentleman from Vermont (Mr. SANDERS) and the gentleman from Arkansas (Mr. BERRY) and the gentleman from Illinois (Mr. JACKSON) and the gentleman from California (Mr. WAXMAN).

This amendment fulfills a simple objective. It helps consumers decide for themselves whether prescription drug prices are fair. As it stands now, consumers know what they pay to a pharmacy for a drug, but they do not know what the manufacturer charges for that drug, what the manufacturer charges other consumers for it, what the manufacturer charges other countries for it, what similar drugs cost. My colleagues get the idea.

This amendment would require manufacturers to disclose to American consumers the prices they charge here versus what they charge in other industrialized nations.

The pharmaceutical industries question the accuracy of studies comparing prescription drug prices in the U.S. to those in other industrialized countries. They have questioned the accuracy of studies comparing the price seniors pay to those paid by HMOs. Drug makers could put these disputes to rest simply by disclosing their prices.

Two weeks ago, I took a dozen seniors from Ohio to a Canadian pharmacy where they paid one-half, one-third, one-sixth of what it would have cost to purchase those same drugs in northeast Ohio.

When confronted about price differentials like this, the industry typically tried to deflect the blame by talking about Canada's universal health care system. They imply that the only way to achieve lower prices in this country is to adopt the Canadian health care system. They imply that Canada pays less for prescription drugs because Canadians have a government-run health care program, not because of lower prices.

The drug industry conveniently confuses two different issues. Seniors in my district bought prescription drugs in Canada and paid lower prices. They did not step into Canada and suddenly become eligible under that nation's universal health care system.

Canada negotiates reasonable drug prices. Its 13 provinces also provide universal health care coverage. That means Canadians receive assistance towards the purchase of prescription drugs.

American consumers, in spite of what people here say, in spite of the drug industry, American consumers are smart enough to know the difference.

Although the drug industry tends to focus on Canada based on what we can glean from retail pricing studies, Canada is not the only nation that pays lower prices for drugs. The United States pays the highest prices in the world for prescription drugs.

This amendment says to the drug industry, if those studies are wrong or misleading, just show us your prices. Prescription drug companies may argue that this is proprietary information or raise the issue of price collusion. Of course, they do provide this information to a private organization called IMS, and this company makes the information available to other companies for a price. So drug companies already know each other's prices, so price information is no secret unless one is a consumer.

Americans cannot afford to purchase prescription drugs, and they cannot afford not to.

Under our amendment, consumers would have the power to compare prices and quality and value to make smart purchases.

Mr. SKEEN. Mr. Chairman, I continue my reservation, and I rise to claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) is recognized for 5 minutes in opposition to the amendment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from New Mexico for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment as well. First, I think Members need to think long and hard about whether or not we want the Federal Government in the business of keeping the books on private industry, any private industry. I believe that it is entirely inappropriate for the Federal Government to have such a role.

Second, looking at the specific language of this amendment, it would require every company seeking approval for every new medicine to, and I quote, ''agree to a quarterly disclosure during the patent life of the drug of the average price charged by the manufacturer in each company that is a member of the OECD, which is the Organization for Economic Cooperation Development.''

What does this exactly mean? Many of these OECD countries have price controls, and just about all of them do. Are we asking the sponsors, asking the companies to provide us with a list of other countries' price controls?

As we know, even in these countries, largely Europe and in the United States and Canada, and specifically in countries with price controls which we do not have, there is no single price for medicines. Whether here at home or abroad, prices vary everywhere. That happens to be the marketplace at work.

All of us here, as I said a few minutes ago, are supportive of providing better access to prescription drugs to those who need them. Price controls are not the answer. Canada certainly does not have all the answers. But as we work to provide greater coverage and access, we do not want to undermine today's American private scientific research and medical innovation that will continue to find tomorrow's cures for the ills of the world and within our own country.

This type of amendment will do just that. Like its predecessor, it needs to be soundly defeated.

Mr. BROWN of Ohio. Mr. Chairman, I yield 30 seconds to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

Mr. Chairman, this is a simple amendment, and it would require prescription drug companies to disclose the prices they charge here in the United States and in other countries.

We know from studies in my district and elsewhere that Mainers, for example, pay 72 percent more than Canadians and 102 percent more than Mexicans for the same drugs and the same quantities from the same manufacturers.

We have the most profitable industry in the country charging the highest prices in the world to people who can least afford it. In a free enterprise system, we ought to get some more information about what those prices are.

Mr. BROWN of Ohio. Mr. Chairman, I yield 1½ minutes to the gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Chairman, I thank the gentleman from Ohio for yielding me this time.

Mr. Chairman, what we are talking about is one of the great health care crises facing this country, and that is that millions of Americans cannot afford the outrageously high cost of prescription drugs in this country.

They know that an absurd situation exists by which, when an American spends $1 for a prescription drug manufactured in the United States, a German spends 71 cents, somebody in Sweden spends 68 cents, the United Kingdom spends 65 cents, and in Italy 51 cents for the same exact drug.

So what this amendment says very simply is we want to know the price that the pharmaceutical industry is selling that product abroad for. We want to know, in fact, how come a Canadian pharmacist can buy Tamoxifen, a widely prescribed breast cancer drug, for one-tenth the price that an American pharmacist can buy that same product. Meanwhile we know that the pharmaceutical industry makes a profit in Canada, selling the product at one-tenth the price that our people have to pay for it.

All over this country today, elderly people and many other people are making terrible decisions about whether they can afford the prescription drugs they need to ease their pain and to keep them alive. The more knowledge that we have about the pricing situation in the pharmaceutical industry, the better we will be in being able to address this crisis.

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) insist on his point of order?

Mr. SKEEN. Mr. Chairman, does the gentleman from Ohio (Mr. BROWN) withdraw his amendment?

Mr. BROWN of Ohio. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

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

There was no objection.

The CHAIRMAN. The amendment is withdrawn.

AMENDMENT NO. 48 OFFERED BY MR. SANFORD

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. SANFORD: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds appropriated or otherwise made available by this Act to the Department of Agriculture may be used to pay the salaries and expenses of personnel who make payments to producers of wool and mohair under section 204(d) of the Agricultural Risk Protection Act of 2000.

The CHAIRMAN. Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from South Carolina (Mr. SANFORD) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Chairman, I would say just prefacing my remarks that I have the utmost respect for the gentleman from New Mexico (Chairman SKEEN) and the way he has consistently watched out for the interest of farmers and ranchers across the West. For that matter, I would say that I have got the utmost respect for the gentleman from Texas (Mr. STENHOLM) and how he watches out for the ranchers in his district, and the same of the gentleman from Texas (Mr. BONILLA), who is not here right now but I suspect who will be walking down toward the floor.

That having been said, I think what needs to be remembered is, in as good of a job as the gentleman from Texas (Mr. STENHOLM) will do in watching out for ranchers in his district, the larger question always needs to be is, that may be good and he is doing the right job of a Congressman in protecting folk in his district, but is it the best in terms of national policy?

When I look at wool and mohair subsidies over a long and fairly tortured past, I think the answer has to be no. In fact, if anything, I see this as more of a horror show, those horror shows where Freddie hops up out of the coffin with the chainsaw running; one thought he was dead, one thought he was in the coffin to stay, but he is back up and at it. That is how these wool and mohair subsidies have gone basically over 50 years.

Because what is interesting is to look back, it was in World War II that the United States military recognized that they needed wool and mohair as basically a strategic material in the building of uniforms to keep troops warm and dry.

So in 1954 Congress responded to that, and they passed the National Wool Act. Yet by the 1960s, the Pentagon had moved on to synthetic fibers. So here we are 46 years after the passage of the act, basically 50 years after the time that Congress moved, the Pentagon moved on to something else, still helping to subsidize an industry that was no longer strategic in nature. In fact, some of the years, as one goes forward in time, wool and mohair would get as much as $200 million indirect subsidy.

Now, in 1993, that all came to an end. It was interesting, AL GORE's report, this is Vice President GORE's National Performance Review, 1993, said that the top 1 percent of sheep raisers capture a core of the money, nearly $100,000 each. The national interest does not require this program. It provides an unnecessary subsidy for the wealthy.

It was stopped in 1993 to be phased out in 1995, and yet it is back. Freddie has climbed outside of that coffin, he has got the chainsaw running, and we are looking at basically $10 million or $11 million in subsidy back to wool and mohair.

The question that I think that needs to be asked is, is this in the best interest of the overall taxpayer? I think no, one, because of what was pointed out in GORE's review; two, what would be pointed out in programs like the fact that Sam Donaldson, not exactly a New Mexico sheep farmer, had gotten $97,000 in direct wool payments a couple years back, in fact back just prior to 1995 in the phase-out of law.

The more than important question, though, because that part has ended, is what we are talking about here are the acts of the market versus the acts of God. If the local pizzeria goes out of business or the local hardware store goes out of business or the local video store goes out of business as a result of acts of the market, we do not subsidize that pizzeria. Should we do any differently with this wool and mohair?

The third point that I would make would be we are talking about a program. If we do not keep this out, it will become more permanent in nature.

It is interesting to me, this is in the June 24, 2000, issue of National Journal, Jewel Richardson, the first vice president of the Texas Sheep and Goat Raisers Association, hopes to put in a permanent program, their own words according to National Journal.

So I think we have got something that, a, could become a permanent program and is not a temporary help in time of need; and, b, is something that costs the taxpayers a whole lot of money to the benefit of a very few congressional districts.

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

The CHAIRMAN. The gentleman from South Carolina (Mr. SANFORD) has 30 seconds remaining.

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

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from New Mexico (Mr. SKEEN) for 5 minutes.

Mr. SKEEN. Mr. Chairman, I yield 2½ minutes to the gentleman from Texas (Mr. STENHOLM).

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Mr. STENHOLM. Mr. Chairman, I rise in opposition to the amendment. I understand where my friend is coming from, but he keeps talking about the Wool and Mohair Act. That is gone. The Congress took it away, voted it out, in 1994.

Now, the money in question in the supplemental is a little bit different question, because from 1995 to 1998, domestic mohair production has declined 60 percent in the United States from 12 million pounds down to 5. In the wool area, the lamb industry, the market depression has driven over 25,000 sheep producers out of business in the 1990s. Now, the gentleman might say this is fine. If this is the market doing this and making this happen, this is in the spirit of voting out the wool and mohair program. But that is not what the facts bear out.

When we look at the European Union this year, I say to the gentleman from South Carolina (Mr. SANFORD), the European Union will spend $2 billion subsidizing their wool producers. Subsidizing their wool producers. The answer of the gentleman from South Carolina is to take away the help that was put into the supplemental from our industry that is struggling to survive in the international marketplace.

What we are trying to do is get some support from the Congress, and there was some support given, in recognition that the wool and mohair industry is now in fact trying to pull themselves back up by their bootstraps and compete. And it seems to me that an amendment that strikes $11 million out of a $7.1 billion total appropriation for recognizing the depressed prices that are occurring in all of agriculture is a little bit mean spirited, and it is not certainly up to the character of my friend from South Carolina.

The gentleman's amendment, and I say to my colleagues, the Sanford amendment is misguided. It is based on some old historical facts that are no longer prevalent. The Sanford amendment sends a signal to domestic producers that their government does not stand behind them in the face of unfair trade.

I would also point out to my colleagues that the industry has won a section 201. The International Trade Commission has found in favor of the domestic industry; that they have been experiencing unfair trade practices by other countries and, therefore, were entitled to $100 million in compensation as a result of what the ITC has found.

It seems to me that this amendment should be defeated today. It is well-intentioned but very misguided. These two industries are doing everything they can to pull themselves up by their bootstraps to survive in this marketplace. They need a little assistance from the Congress to do it.

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

The President just recently signed into law legislation that reauthorizes the issuance of wool and mohair payments. Rural America and American farmers are facing an economic crisis, and disaster assistance has been provided to almost every segment of agriculture in the last few years. I believe it is unfair to single out wool and mohair producers and to prohibit them from receiving financial assistance.

I urge my colleagues to defeat the gentleman's amendment as it is punitive and targets a small industry facing extraordinarily difficult times.

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

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

Mr. Chairman, I would just put this on the scorecard of two wrongs do not make a right. EU absolutely does subsidize its wool and mohair producers. But when we look at New Zealand and Australia, we do not see that being the case. I think we should look more at the New Zealand and the Australian model than the EU example.

Secondly, we are talking about a small industry here, but nobody goes out to help and subsidize the local pizzeria when they go out of business, the local video store, or the local hardware store. And I think we should be moving toward free markets. Because if we really want to reinvigorate this society of ours, I think it rests on free markets and the competitive forces that should take place.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Texas (Mr. BONILLA).

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

Mr. BONILLA. Mr. Chairman, I rise in strong opposition to the gentleman's amendment.

I am so grateful for the strong bipartisan support that we have had for this provision in this bill for some time now. The gentleman from New Mexico (Mr. SKEEN), the gentleman from Texas (Mr. COMBEST), and the gentleman from Texas (Mr. STENHOLM) should be thanked for recognizing the tremendous need out there for wool and mohair producers.

For anyone to try to draw a parallel between difficulties faced with small businesses in this country, like pizzerias and bakeries, for goodness sakes, is ridiculous. Foreign nations do not subsidize their own pizzerias, their hardware stores, and their auto parts stores. We are talking about foreign nations that unfairly subsidize their areas in agriculture. This is an area where wool and mohair producers have been subsidized to a great unfair advantage. As the gentleman from Texas (Mr. STENHOLM) pointed out, that gives competitors a tremendous advantage over a lot of our producers in this country who are suffering tremendously.

Falling commodity prices over the years and other factors, drought and so forth, have affected agriculture across the board in this country. This bill that makes up the whole of this aid covers peanut farmers and tobacco farmers. There are more AMTA payments in this bill. Why for goodness sake are we singling out one small portion of this bill in agriculture that has suffered equally as other areas in agriculture have other the last few years?

I cannot figure out why this amendment is singling out one small group of all of American agriculture to try to pick on them and leave them out in the cold. If my colleague could only see the hardships that many of them have faced throughout the last several years, I think he would change his mind.

Mr. Chairman, I rise in strong opposition to this amendment and urge my colleagues to oppose the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from South Carolina (Mr. SANFORD).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from South Carolina (Mr. SANFORD) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 68 OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 68 offered by Mr. BURTON of Indiana:

Insert before the short title the following title:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. None of the funds made available in this Act may be expended for a vaccine-related Federal advisory committee (Vaccines and Related Biological Products Advisory Committee) that grants a waiver on applicable conflicts of interest rules pursuant to the Federal Advisory Committee Act and sections 202 through 209 of title 18, United States Code, and regulations issued thereunder.

The CHAIRMAN. Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from Indiana (Mr. BURTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Indiana (Mr. BURTON) for 5 minutes.

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

Mr. Chairman, the health of every American child is affected by decisions made at the Department of Health and Human Services about vaccines. Those decisions have to be made free of conflicts of interest, and right now that just is not the case.

Health and Human Services relies on two advisory committees to give scientific advice on vaccine policy. Unfortunately, those advisory committees are dominated by the pharmaceutical industry. HHS routinely gives doctors with serious conflicts of interest waivers to vote on vaccine policies.

My amendment stands for a simple proposition. We should be getting the

best scientific advice possible and it should not be tainted by possible conflicts of interest. We are going to hear from the other side that if my amendment passes they will not be able to find anyone to serve on these committees. That is just not so.

The Committee on Government Reform has done an extensive investigation into these advisory committees. We took a close look at their votes to approve the rotavirus vaccine. That vote has had disastrous results. Children developed serious bowel obstructions. They needed emergency surgery. And one child died. The vaccine had to be pulled from the market 3 months after the official recommendation.

Did this problem come up out of the blue? No. There was evidence of this problem in the clinical trials. This and other problems were discussed during the advisory committee meetings. Several Members had concerns. One doctor had serious reservations and expressed them. Yet every doctor on the committee voted to recommend approval of the vaccine. Why? Well, three out of the five FDA advisory committee members had financial ties to the drug companies that were developing the rotavirus vaccine.

One of those doctors received $255,000 a year from the maker of the vaccine, Wyeth Lederle. Another worked at a university that received $75,000 from Lederle's parent company. Yet they got waivers so they could vote on the vaccine.

The CDC routinely grants waivers from conflict of interest to every member of the advisory committee. The chairman of the CDC's advisory committee owned 600 shares of stock in a drug company that is developing a competing rotavirus vaccine.

Now, I am not saying these doctors are corrupt or had any malicious intent. What I am saying is that when someone gets money from a company, especially large sums of money, it affects that individual's judgment. And I am not alone in my concern about conflicts of interest. Last year, the New England Journal of Medicine had a scandal on their hands. They found that 18 doctors who wrote articles about drugs for their Journal had financial ties to the companies that made the drugs.

The Journal was seriously concerned and wrote an editorial about it, and here is what they had to say. ''What is at issue is not whether researchers can be bought in the sense of a quid pro quo, it is that close and remunerative collaboration with a company naturally creates goodwill on the part of researchers and the hope that the largess will continue. This attitude can subtly influence scientific judgment.''

They were right. Conflicts of interest are a problem and we need to do something about it. My amendment would prohibit HHS from granting waivers to members of vaccine-related committees who have serious conflicts of interest. If the New England Journal of Medicine can do it, HHS can do it, and there should not be anything controversial about saying we want the best advice possible without conflicts of interest. Our children's health and well-being depend on fair and impartial judgment.

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

The CHAIRMAN. Does the gentleman from New Mexico (Mr. SKEEN) rise in opposition?

Mr. SKEEN. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from New Mexico (Mr. SKEEN) is recognized for 5 minutes.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin (Mr. OBEY).

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

I think the Burton amendment is a well-meaning amendment that will do little to help ethics, but it will do irreparable harm to vaccine development. The amendment blows up a carefully balanced process proposed in 1989 by President Bush which allows narrow and necessary conflict of interest waivers to enhance the government's ability to support the development of crucial vaccines.

The amendment is opposed by the Office of Government Ethics itself, and that agency says, ''The government would be depriving itself of much of the best and most relevant outside expertise in many areas. The amendment would prohibit waivers for financial interests that are so insubstantial, remote, or inconsequential that they are typically permitted even for regular full-time government employees.'' They go on to say, ''Existing law strikes the correct balance between protecting the government from inappropriate conflicts of interest and recognizing the need for temporary experts who may have unavoidable conflicts in relevant fields of inquiry.''

In short, even the agency that enforces government ethics says this is a bad idea. It may be well meaning, but it certainly, in the way it would be implemented, would wreck our vaccine development program.

Mr. SKEEN. Mr. Chairman, I reserve the balance of my time to close debate.

The CHAIRMAN. The gentleman from Indiana (Mr. BURTON) controls 1½ minutes.

Mr. BURTON of Indiana. Mr. Chairman, I yield 1 minute to the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Chairman, I understand the concerns of those who are saying, well, there are just no experts around who could then be able to safely review these vaccines. However, the conflict of interest issue cannot go away that easily.

I am concerned as to how we protect the integrity of scientific review and the integrity of the vaccine approval process if we do not make sure that there is an attempt to separate the interests of the vaccine makers from those who are doing the oversight.

This is a quandary, but I think that the amendment at least creates the opportunity to debate this issue, to bring it out in the open, and to ask Members of Congress to reflect as to the condition that we have here, which is that there are patent conflicts of interest here. And in that sense, I support this amendment.

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

Let me just say that we have held numerous hearings on this issue. We have found through the hearings that many of the people on these advisory committees have financial ties to the pharmaceutical industry. They have financial ties directly to the companies that are producing the drugs that they are voting on, the vaccinations they are voting on. We have just expressed clearly that children who took the rotavirus vaccine after there had been reservations about it, one died, and several hundred got sick and had to go to the emergency room. There were conflicts of interest. That needs to be eliminated.

There are a lot of doctors and scientists we could get who did not have those conflicts of interest, those ties to the pharmaceutical industry, that could give an impartial judgment. That is what we need to do to protect the health of these children.

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

I rise in opposition to the amendment. Let me explain what this extreme restriction on the Food and Drug Administration would do. The amendment would not allow funding for an advisory committee that grants conflict of interest waivers. The effect would be that the top experts in the field of vaccine research would not be able to advise the Federal Government about vaccines and biological products.

The conflict of interest waivers exist so that the top experts, the ones you would want to consult if your family member were ill, can advise government agencies. These top scientists are few in number and very specialized. Most of them have worked in research sponsored by industry at some point in their careers. Congress devised the waiver system so that such experts could serve the Government when the need for their services outweighed the potential of conflict of interest due to financial ties to industry.

Since the field of biological vaccine research is specialized and unique, the conflict of interest waivers are necessary. The granting of a waiver is not pro forma but a measured decision by an impartial party. In some cases, waivers are granted only for participation in the advisory group discussion, and the individual is not permitted to vote on the advisory committee recommendation.

I would also like to draw your attention to the term ''advisory.'' Advisory

committees make recommendations to FDA but do not vote on product approvals. Product approval decisions are made by federally employed scientists.

I would ask my colleagues not to cripple the vaccine advisory committee system by making it impossible to recruit the appropriate level of scientific expertise. Please vote ''no'' on this amendment.

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

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

Mr. BURTON of Indiana. Is the gentleman aware that these advisory committee members testified before our committee and very clearly had conflicts of interest and yet they still voted on this? If we grant waivers to those people, we are going to continue the process which endangers kids in this country.

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

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

Mr. WAXMAN. I thank the gentleman for yielding. I want to point out the existing law was proposed by President Bush and was enacted with broad bipartisan support. We have got to have the people who have the knowledge and expertise to be on these advisory committees. If the Burton amendment is agreed to, those people will not be serving, and that will be a disservice to the children of this country that want to be sure, for parents, that the vaccines have been reviewed by those who can give us the best information. The conflicts of interest that the gentleman from Indiana referred to, and I sat through those hearings as well, were quite remote, had nothing to do with the vaccine approval. In some cases they involved people who because of their knowledge and expertise in this area had worked for pharmaceutical companies because they were the best experts in the country to advise on these vaccines.

I would hope that Members will oppose the Burton amendment and not disregard a law that is so important for the best experts in virology, biology, statistics, pediatrics, and other scientific disciplines to serve as volunteers in the public interest.

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

Mr. SKEEN. I yield to the gentleman from Wisconsin.

Mr. OBEY. I thank the gentleman for yielding. I would simply emphasize again the Office of Government Ethics itself opposes this amendment, saying that the Government would be deprived of much of the best and most relevant outside expertise in many areas.

This amendment is well meaning, but its principal victim if it passes will be children who will get sick and die because of the lack of adequate vaccines.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. BURTON).

The question was taken; and the Chairman announced that the noes appeared to have it.

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

The CHAIRMAN. Pursuant to House Resolution 538, further proceedings on the amendment offered by the gentleman from Indiana (Mr. BURTON) will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 9 OFFERED BY MR. KUCINICH

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

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. KUCINICH:

Page 96, after line 7, insert the following new title:

TITLE IX—GENETICALLY ENGINEERED FOOD RIGHT TO KNOW ACT

SEC. 901. SHORT TITLE.

(a) SHORT TITLE.—This title may be cited as the ''Genetically Engineered Food Right to Know Act''.

SEC. 902. FINDINGS.

The Congress finds as follows:

(1) The process of genetically engineering foods results in the material change of such foods.

(2) The Congress has previously required that all foods bear labels that reveal material facts to consumers.

(3) Federal agencies have failed to uphold Congressional intent by allowing genetically engineered foods to be marketed, sold and otherwise used without labeling that reveals material facts to the public.

(4) Consumers wish to know whether the food they purchase and consume contains or is produced with a genetically engineered material for a variety of reasons, including the potential transfer of allergens into food and other health risks, concerns about potential environmental risks associated with the genetic engineering of crops, and religiously and ethically based dietary restrictions.

(5) Consumers have a right to know whether the food they purchase contains or was produced with genetically engineered material.

(6) Reasonably available technology permits the detection in food of genetically engineered material, generally acknowledged to be as low as 0.1 percent.

SEC. 903. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL FOOD, DRUG, AND COSMETIC ACT.

(a) IN GENERAL.—Section 403 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343) is amended by adding at the end the following paragraph:

''(t)(1) If it contains a genetically engineered material, or was produced with a genetically engineered material, unless it bears a label (or labeling, in the case of a raw agricultural commodity, other than the sale of such a commodity at retail) that provides notices in accordance with the following:

''(A) A notice as follows: 'GENETICALLY ENGINEERED'.

''(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

''(C) The notice required in clause (A) immediately precedes the notice required in clause (B) and is not less than twice the size of the notice required in clause (B).

''(D) The notice required in clause (B) is of the same size as would apply if the notice provided nutrition information that is required in paragraph (q)(1).

''(E) The notices required in clauses (A) and (B) are clearly legible and conspicuous.

''(2) For purposes of subparagraph (1):

''(A) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material.

''(B) The term 'genetically engineered organism' means—

''(i) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macro-encapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture, and

''(ii) an organism made through sexual or asexual reproduction (or both) involving an organism described in subclause (i), if possessing any of the altered molecular or cellular characteristics of the organism so described.

''(3) For purposes of subparagraph (1), a food shall be considered to have been produced with a genetically engineered material if—

''(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material (except that the use of manure as a fertilizer for raw agricultural commodities may not be construed to mean that such commodities are produced with a genetically engineered material);

''(B) the animal from which the food is derived has been fed genetically engineered material, or

''(C) the food contains an ingredient that is a food to which clause (A) or (B) applies.

''(4) This paragraph does not apply to food that—

''(A) is served in restaurants or other establishments in which food is served for immediate human consumption,

''(B) is processed and prepared primarily in a retail establishment, is ready for human consumption, which is of the type described in clause (A), and is offered for sale to consumers but not for immediate human consumption in such establishment and is not offered for sale outside such establishment, or

''(C) is a medical food as defined in section 5(b) of the Orphan Drug Act.''.

(b) CIVIL PENALTIES.—Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

''(h)(1) With respect to a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t), any person engaging in such a violation shall be liable to the United States for a civil penalty in an amount not to exceed $100,000 for each such violation.

''(2) Paragraphs (3) through (5) of subsection (g) apply with respect to a civil penalty under paragraph (1) of this subsection to the same extent and in the same manner as such paragraphs (3) through (5) apply with respect to a civil penalty under paragraph (1) or (2) of subsection (g).''.

(c) GUARANTY.—

(1) IN GENERAL.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333(d)) is amended—

(A) by striking ''(d)'' and inserting ''(d)(1)''; and

(B) by adding at the end the following paragraph:

''(2)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if such person (referred to in this paragraph as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the food (including the receipt of seeds to grow raw agricultural commodities), to the effect that (within the meaning of section 403(t)) the food does not contain a genetically engineered material or was not produced with a genetically engineered material.

''(B) In the case of a recipient who with respect to a food establishes a guaranty or undertaking in accordance with subparagraph (A), the exclusion under such subparagraph from being subject to penalties applies to the recipient without regard to the use of the food by the recipient, including—

''(i) processing the food,

''(ii) using the food as an ingredient in a food product,

''(iii) repacking the food, or

''(iv) growing, raising, or otherwise producing the food.''.

(2) FALSE GUARANTY.—Section 301(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331(h)) is amended by inserting ''or 303(d)(2)'' after ''303(c)(2)''.

(d) UNINTENDED CONTAMINATION.—Section 303(d) of the Federal Food, Drug, and Cosmetic Act, as amended by subsection (c)(1) of this section, is amended by adding at the end the following paragraph:

''(3)(A) No person shall be subject to the penalties of subsection (a)(1) or (h) for a violation of section 301(a), 301(b), or 301(c) involving the misbranding of food within the meaning of section 403(t) if—

''(i) such person is an agricultural producer and the violation occurs because food that is grown, raised, or otherwise produced by such producer, which food does not contain a genetically engineered material and was not produced with a genetically engineered material, is contaminated with a food that contains a genetically engineered material or was produced with a genetically engineered material (including contamination by mingling the two), and

''(ii) such contamination is not intended by the agricultural producer.

''(B) Subparagraph (A) does not apply to an agricultural producer to the extent that the contamination occurs as a result of the negligence of the producer.''.

SEC. 904. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO FEDERAL MEAT INSPECTION ACT.

(a) REQUIREMENTS.—The Federal Meat Inspection Act is amended by inserting after section 7 (21 U.S.C. 607) the following section:

''SEC. 7A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

''(a) DEFINITIONS.—In this section:

''(1) The term 'meat food' means a carcass, part of a carcass, meat, or meat food product that is derived from cattle, sheep, swine, goats, horses, mules, or other equines and is capable of use as human food.

''(2) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

''(3) The term 'genetically engineered organism' means—

''(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macro-encapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

''(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

''(b) LABELING REQUIREMENT.—

''(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 1(n) and 10, a meat food is misbranded if it—

''(A) contains a genetically engineered material or was produced with a genetically engineered material; and

''(B) does not bear a label (or include labeling, in the case of a meat food that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

''(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a meat food shall be considered to have been produced with a genetically engineered material if—

''(A) the organism from which the food is derived has been injected or otherwise treated with a genetically engineered material;

''(B) the animal from which the food is derived has been fed genetically engineered material; or

''(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

''(c) SPECIFICS OF LABEL NOTICES.—

''(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

''(A) A notice as follows: 'GENETICALLY ENGINEERED'.

''(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

''(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

''(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

''(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any meat food that—

''(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

''(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

''(e) GUARANTY.—

''(1) IN GENERAL.—A packer, processor, or other person shall not be considered to have violated the requirements of this section with respect to the labeling of meat food if the packer, processor, or other person (referred to in this subsection as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the meat food or the animal from which the meat food was derived, or received in good faith food intended to be fed to such animal, to the effect that the meat food, or such animal, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

''(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the meat food by the recipient (or the use by the recipient of the animal from which the meat food was derived, or of food intended to be fed to such animal), including—

''(A) processing the meat food;

''(B) using the meat food as an ingredient in another food product;

''(C) packing or repacking the meat food; or

''(D) raising the animal from which the meat food was derived.

''(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed $100,000 for each such violation.

''(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

''(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

''(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

''(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

''(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

''(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

''(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.''.

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 1(n) of the Federal Meat Inspection Act (21 U.S.C. 601(n)) is amended—

(1) by striking ''or'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(3) by adding at the end the following paragraph:

''(13) if it fails to bear a label or labeling as required by section 7A.''.

SEC. 905. LABELING REGARDING GENETICALLY ENGINEERED MATERIAL; AMENDMENTS TO POULTRY PRODUCTS INSPECTION ACT.

The Poultry Products Inspection Act is amended by inserting after section 8 (21 U.S.C. 457) the following section:

''SEC. 8A. REQUIREMENTS FOR LABELING REGARDING GENETICALLY ENGINEERED MATERIAL.

''(a) DEFINITIONS.—In this section:

''(1) The term 'genetically engineered material' means material derived from any part of a genetically engineered organism, without regard to whether the altered molecular or cellular characteristics of the organism are detectable in the material (and without regard to whether the organism is capable of use as human food).

''(2) The term 'genetically engineered organism' means—

''(A) an organism that has been altered at the molecular or cellular level by means that are not possible under natural conditions or processes (including but not limited to recombinant DNA and RNA techniques, cell fusion, microencapsulation, macro-encapsulation, gene deletion and doubling, introducing a foreign gene, and changing the positions of genes), other than a means consisting exclusively of breeding, conjugation, fermentation, hybridization, in vitro fertilization, or tissue culture; and

''(B) an organism made through sexual or asexual reproduction (or both) involving an organism described in subparagraph (A), if possessing any of the altered molecular or cellular characteristics of the organism so described.

''(b) LABELING REQUIREMENT.—

''(1) REQUIRED LABELING TO AVOID MISBRANDING.—For purposes of sections 4(h) and 9(a), a poultry product is misbranded if it—

''(A) contains a genetically engineered material or was produced with a genetically engineered material; and

''(B) does not bear a label (or include labeling, in the case of a poultry product that is not packaged in a container) that provides, in a clearly legible and conspicuous manner, the notices described in subsection (c).

''(2) RULE OF CONSTRUCTION.—For purposes of paragraph (1)(A), a poultry product shall be considered to have been produced with a genetically engineered material if—

''(A) the poultry from which the food is derived has been injected or otherwise treated with a genetically engineered material;

''(B) the poultry from which the food is derived has been fed genetically engineered material; or

''(C) the food contains an ingredient that is a food to which subparagraph (A) or (B) applies.

''(c) SPECIFICS OF LABEL NOTICES.—

''(1) REQUIRED NOTICES.—The notices referred to in subsection (b)(1)(B) are the following:

''(A) A notice as follows: 'GENETICALLY ENGINEERED'.

''(B) A notice as follows: 'UNITED STATES GOVERNMENT NOTICE: THIS PRODUCT CONTAINS A GENETICALLY ENGINEERED MATERIAL, OR WAS PRODUCED WITH A GENETICALLY ENGINEERED MATERIAL'.

''(2) LOCATION AND SIZE.—(A) The notice required in paragraph (1)(A) shall immediately precede the notice required in paragraph (1)(B) and shall be not less than twice the size of the notice required in paragraph (1)(B).

''(B) The notice required in paragraph (1)(B) shall be of the same size as would apply if the notice provided nutrition information that is required in section 403(q)(1) of the Federal Food, Drug, and Cosmetic Act.

''(d) EXCEPTIONS TO REQUIREMENTS.—Subsection (a) does not apply to any poultry product that—

''(1) is served in restaurants or other establishments in which food is served for immediate human consumption; or

''(2) is processed and prepared primarily in a retail establishment, is ready for human consumption, is offered for sale to consumers but not for immediate human consumption in such establishment, and is not offered for sale outside such establishment.

''(e) GUARANTY.—

''(1) IN GENERAL.—An official establishment or other person shall not be considered to have violated the requirements of this section with respect to the labeling of a poultry product if the official establishment or other person (referred to in this subsection as the 'recipient') establishes a guaranty or undertaking signed by, and containing the name and address of, the person residing in the United States from whom the recipient received in good faith the poultry product or the poultry from which the poultry product was derived, or received in good faith food intended to be fed to poultry, to the effect that the poultry product, poultry, or such food, respectively, does not contain genetically engineered material or was not produced with a genetically engineered material.

''(2) SCOPE OF GUARANTY.—In the case of a recipient who establishes a guaranty or undertaking in accordance with paragraph (1), the exclusion under such paragraph from being subject to penalties applies to the recipient without regard to the use of the poultry product by the recipient (or the use by the recipient of the poultry from which the poultry product was derived, or of food intended to be fed to such poultry), including—

''(A) processing the poultry;

''(B) using the poultry product as an ingredient in another food product;

''(C) packing or repacking the poultry product; or

''(D) raising the poultry from which the poultry product was derived.

''(3) FALSE GUARANTY.—It is a violation of this Act for a person to give a guaranty or undertaking in accordance with paragraph (1) that the person knows or has reason to know is false.

''(f) CIVIL PENALTIES.—

''(1) IN GENERAL.—The Secretary may assess a civil penalty against a person that violates subsection (b) or (c)(3) in an amount not to exceed $100,000 for each such violation.

''(2) NOTICE AND OPPORTUNITY FOR HEARING.—A civil penalty under paragraph (1) shall be assessed by the Secretary by an order made on the record after opportunity for a hearing provided in accordance with this subparagraph and section 554 of title 5, United States Code. Before issuing such an order, the Secretary shall give written notice to the person to be assessed a civil penalty under such order of the Secretary's proposal to issue such order and provide such person an opportunity for a hearing on the order. In the course of any investigation, the Secretary may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence that relates to the matter under investigation.

''(3) CONSIDERATIONS REGARDING AMOUNT OF PENALTY.—In determining the amount of a civil penalty under paragraph (1), the Secretary shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

''(4) CERTAIN AUTHORITIES.—The Secretary may compromise, modify, or remit, with or without conditions, any civil penalty under paragraph (1). The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

''(5) JUDICIAL REVIEW.—Any person who requested, in accordance with paragraph (2), a hearing respecting the assessment of a civil penalty under paragraph (1) and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the 60-day period beginning on the date the order making such assessment was issued.

''(6) FAILURE TO PAY.—If a person fails to pay an assessment of a civil penalty—

''(A) after the order making the assessment becomes final, and if such person does not file a petition for judicial review of the order in accordance with paragraph (5); or

''(B) after a court in an action brought under paragraph (4) has entered a final judgment in favor of the Secretary;

the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from the date of the expiration of the 60-day period referred to in paragraph (5) or the date of such final judgment, as the case may be) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.''.

(b) INCLUSION OF LABELING REQUIREMENTS IN DEFINITION OF MISBRANDED.—Section 4(h) of the Poultry Products Inspection Act (21 U.S.C. 453(h)) is amended—

(1) by striking ''or'' at the end of paragraph (11);

(2) by striking the period at the end of paragraph (12) and inserting ''; or''; and

(3) by adding at the end the following paragraph:

''(13) if it fails to bear a label or labeling as required by section 8A.''.

SEC. 906. EFFECTIVE DATE.

This title and the amendments made by this title take effect upon the expiration of the 180-day period beginning on the date of the enactment of this title.

Mr. SKEEN. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from New Mexico reserves a point of order.

Pursuant to the order of the House of Monday, July 10, 2000, the gentleman from Ohio (Mr. KUCINICH) and the gentleman from New Mexico (Mr. SKEEN) each will control 5 minutes.

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

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

Mr. Chairman, last year 100 million acres of genetically engineered crops were planted in the United States. Last year the American people consumed dozens of products made of genetically engineered materials without any knowledge or understanding of some of the issues which are sweeping this world concerning genetically engineered food. The countries of the European Union, Australia, New Zealand and Japan are now discussing labeling regimes which would give people the right to know what they are eating, which would give people the right to know if food they are eating is genetically engineered, because concerns have been expressed all over the world about the possible allergenicity of genetically engineered food, possible toxicity, transfer of antibiotic resistance, and unintended side effects that come with this technology.

When the Food and Drug Administration approved genetically engineered food, they said that such food was substantially equivalent to conventional foods. But the fact of the matter is that when you are using a gene gun to shoot a gene from a different species into a target to be genetically engineered, you are hardly relying on nature. You are relying on a process, the safety of which has not been proven and the safety of which should have been checked out 10 years before these products were introduced into our food supply.

We know some of the stories, what happened with the monarch butterfly in one study where pollen which migrated from genetically engineered corn went to the milkweed plants on which monarch butterflies fed and in this study of Cornell University half of the monarch butterflies in this population were killed.

Now, there are some serious questions raised about what happens when genetic material moves across a distance, settles on other crops and can create unintended side effects. People have a right to know if their food has been altered in any way. That is one of the reasons why and it is almost a fundamental thing that is so uniquely American because years ago this Congress fought successfully for bills which forced the FDA to have manufacturers disclose all the contents of the food that we eat.

Imagine if you had a problem with your diet where you had to be concerned about the fat content of your food, but you did not have fat content listed on a product that you consumed. Or if you had a problem with too much sugar, and you could not have any labeling of what the sugar content was. Americans know how important these issues are with their diet. Today, the issues have changed with technology. Genetically engineered food poses new risks that have not yet been adequately researched, and the FDA has a responsibility to tell this to the American people. The least we can do is to label genetically engineered food. The least we can do is to give people the right to know what is in the food they eat. The least we can do is follow the example that is set by all of the nations of the European Union in saying that genetically engineered foods have to be labeled.

Why are the people of the United States, who in polls that have been taken, have been demonstrated to favor labeling by close to 90 percent, being denied this chance to have their food labeled if it is genetically modified? Think about it. People have a right to know. That is what this bill is about, giving people the opportunity to know what is in the food they eat.

There is one product which has been talked about, a flavor saver tomato which takes a gene from a flounder and shoots it into a tomato to make the tomato more weather resistant. Now, in God's green acres, tomatoes and flounders do not mate. Nature has certain separations which makes it possible for species to grow without trying to have transspecies communication. What is happening is that genetic engineering is creating new possibilities which defy the laws of nature and God.

And so we need to take a stand and to say we ought to be testing this food, we ought to test it for toxicity, we ought to test it for allergenicity, we ought to test it for all kinds of safety problems, but before we get to that we certainly must label it.

That is why I brought this bill to the Congress. I am not going to ask for a vote on it today, but this issue is going to be brought back over and over until we have a labeling bill.

The CHAIRMAN. Does the gentleman from New Mexico insist on his point of order?

Mr. SKEEN. Mr. Chairman, I continue my reservation.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan (Mr. SMITH).

Mr. SMITH of Michigan. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio which would mandate labeling of foods derived from biotechnology. The amendment which purports to strengthen consumer choice is not only out of order but actually limits consumer choice. I say that based on a couple of realities. One, that the labeling in Europe has resulted in stores taking these foods off the shelf and off the counter because of the potential fear that something must be wrong with these foods if they do label. It establishes an unnecessary warning, I think of little relevance to the public, about food products that three U.S. regulatory agencies, dozens of scientific societies, and literally thousands of researchers have found just as safe and maybe safer than essentially all the food we eat.

Except for a couple of fish products, everything in that grocery store has been genetically modified, genetically modified by crossbreeding, hybrid breeding. Sometimes that kind of breeding has resulted in greater danger to the public than a more sophisticated high-tech ability to separate out one or two genes, knowing the characteristics of those genes, and then transplanting those genes. Rather than the average agricultural plant that has up to 25,000 genes, when you crossbreed them, you do not know what genes are going to dominate, you do not know what kind of genes are going to be mutated. So the new technology in the minds of many scientists is much safer.

I think it is important that we do not inhibit the sale and production of these foods. We already have 1,000 products genetically modified, approved, that are on the market. We have three regulatory agencies overseeing it.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from Ohio, which would mandate labeling of foods derived from biotechnology. The amendment, which purports to strengthen consumer choice, not only is out of order but in reality it limits consumer choice. It is an attack on food products produced with the new technology. It establishes an unnecessary warning of little relevance to the public about food products that three U.S. regulatory agencies, dozens of scientific societies, and literally thousands of researchers have found just as safe—and maybe safer—than essentially all foods we eat. Most everything in the grocery store has been produced using gene transfer by traditional crossbreeding methods. It is therefore crucial that we not reduce efforts in our regulatory agencies to assure that all foods are safe which is compromised when we pay special attention to a particular category of food.

On April 13, 2000, I issued a Chairman's report on plant genomics and agricultural biotechnology. This report was the culmination of three hearings I held on the issue as Chairman of the Subcommittee on Basic Research, at which some of the Nation's leading scientists testified. One of the issues I dealt with in some detail in the report was mandatory labeling.

What I found is that there is no scientific justification for labeling foods based on the method by which they are produced. Labeling of agricultural biotechnology products would confuse, not inform, consumers and send a misleading message on safety.

The Food and Drug Administration has more than 15 years of experience in evaluating the food-based products of biotechnology and more than 20 years of experience with medical products of biotechnology. FDA's decision not to require labeling is consistent both with the law and with its ''Statement of Policy: Foods Derived from New Plant Varieties.'' More to the point, consumers have a lifetime of direct personal experience with

foods genetically modified through hybridization and other means that are indistinguishable from those produced using biotechnology.

FDA bases labeling decisions on whether there are material differences between the new plant-based food and its traditional counterpart. These material differences include changes in the new plant that are significant enough that the common or usual name of the plant no longer applies, or if a safety or usage issue exists that warrants consumer notification.

Despite this sensible policy, biotechnology's critics continue to argue that foods created using recombinant DNA techniques should bear a label revealing that fact. This view is based on large part on the faulty supposition that the potential for unintended and undetected differences between these foods and those produced through conventional means is cause for a label based solely on the method of production of the plant.

The risks for potentially unintended effects of agricultural biotechnology on the safety of new plant-based foods are conceptually no different than the risks for those plants derived from conventional breeding. As described in FDA's Statement of Policy, ''The agency is not aware of any information showing that foods derived by these new methods differ from other food in any meaningful or uniform way, or that, as a class, foods developed by the new techniques present any different or greater safety concern than foods developed by traditional plant breeding.'' This view was echoed by the research scientists who testified before the Subcommittee on the subject.

Indeed, there is a genuine fear that labeling biotech foods based on their method of production would be the equivalent of a ''skull and crossbones''—that the very presence of a label would indicate to the average consumer that safety risks exist, when the scientific evidence shows that they do not. Labeling advocates who argue otherwise are being disingenuous. The United Kingdom's new mandatory labeling law, for example, was put forward ostensibly to enhance consumer choice. Instead, it has prompted British food producers and retailers to remove all recombinant DNA constituents from the products they sell to avoid labeling.

Mr. Chairman, mandatory labels indicating the method of genetic manipulation clearly would be extremely confusing, and of little relevance, to consumers. FDA's current policy on labeling is scientifically and legally sound and should be maintained. I urge my colleagues to oppose this amendment.

Mr. SKEEN. I continue to reserve my point of order, Mr. Chairman.

Mr. Chairman, I yield 1 minute to the gentlewoman from Ohio (Ms. KAPTUR).

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

I wanted to commend the gentleman from Ohio (Mr. KUCINICH) for his leadership and moving the Congress to assure that consumers have quality foods and they do not have to worry about reactions, allergic reactions or dietary reactions to what are in foods. Even though at this point the gentleman has chosen to withdraw this amendment, his leadership has encouraged the subcommittee to include in the report directive language to get the U.S. Department of Agriculture to work more closely with the Food and Drug Administration to make sure that decisions are based on sound, verifiable science.

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We expect the Department to provide sufficient information to consumers about bioengineered foods, and we have included language explaining that we want the Food and Drug Administration and the U.S. Department of Agriculture to work across agency lines to provide a unified approach to this type of consumer safety and consumer information.

Mr. Chairman, I want to thank the gentleman for his active leadership on this issue.

Mr. KUCINICH. Mr. Chairman, I thank the gentlewoman and the gentleman; and we will be back with this another time.

Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Ohio (Mr. KUCINICH) is withdrawn.

There was no objection.

Ms. WATERS. Mr. Chairman, I have several amendments at the desk. I would like to proceed at this time.

The CHAIRMAN. The gentlewoman's amendments are not in order under the order of the House.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield 5 minutes to the gentlewoman from California (Ms. WATERS), for whom I have the highest respect, who has been such a leader on civil rights matters, certainly those before the U.S. Department of Agriculture, to discuss the first of several amendments the gentlewoman wishes offer.

Ms. WATERS. Mr. Chairman, the first amendment is a $1 million set-aside from the Commodity Credit Corporation that would pay 20 percent monthly interest rates to those farmers whose claims are in arrears for more than 60 days.

Let me say what has prompted this. Many Members, from both sides of the aisle, have worked very, very hard to correct some of the injustices perpetrated by the Department of Agriculture years past. A lot of good work went into waiving the statute of limitations so that claims could be refiled and that we could have an administrative process by which to take care of those farmers who had been denied years past.

In addition to that, many Members from both sides of the aisle supported the class action lawsuit. The class action lawsuit was successful, and there was a consent decree, and there was a whole process put in place, with a monitor, with facilitators and with adjudicators to process these claims.

Well, many of the farmers who have filed claims in good faith are now waiting for months to try and get those claims adjudicated, and it is quite unfortunate that those people who have the responsibility for processing these claims either have not been able to get their act together so that they could process them in a timely manner, or they are just negligent in what they are supposed to be doing.

One of the things I discovered some time ago is when you are dealing with small business people, such as these small farmers, you can literally drive them out of business by not processing their claims where they have expectations to be reimbursed for the past discrimination that they have experienced, whether it is in the agricultural community or just in the small business community. If you then assess those who have the responsibility and force them to have to pay interest rates to facilitate these claims, we find we get things done a lot faster.

If in fact we have farmers out there who are filing claims and if those claims cannot be processed in 60 days, this amendment would simply say you have to pay them interest rates and get it done. This will move up the process. This will take care of the small family farmers, the small business persons, who are sitting there waiting month in and month out to have these claims adjudicated.

I would ask for support on this amendment.

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

Ms. KAPTUR. May I inquire of the Chair how much time is remaining, Mr. Chairman?

The CHAIRMAN. The gentlewoman from Ohio has 2 minutes remaining.

Ms. KAPTUR. Mr. Chairman, I am pleased to yield 2 minutes to the gentlewoman from California (Ms. WATERS) to discuss her second amendment.

Ms. WATERS. Mr. Chairman, the second amendment is a $500,000 request from the Commodity Credit Corporation to procure additional contractors for the Judge Adjudication Mediation Service for the resolution of outstanding claims under the Pigford v. Glickman consent decree. I might add that there should be a correction in the way ''Pigford'' has been spelled in the amendment that we submitted.

Let me just say that this amendment is consistent with what we are trying to do to facilitate these claims. Again, you have these farmers who filed these claims in good faith, and we have supported them in good faith from both sides of the aisle with the class action lawsuit. The judge put together this process by which to get it done.

We have the appropriate amount of dollars by which to get it done. We have the process that has been signed off on. We have so-called monitors. We have the facilitators and the adjudicators, but it is not getting done. This would satisfy some the complaints that I am hearing, that there are not enough people involved in this contractor relationship that we have to get the job done.

So this $500,000 from the Commodity Credit Corporation would simply procure additional contractors, speed it up, get it done. The money is there in the system by which to do it. This would just supply $500,000 to get additional contractors to make sure it gets done.

If we take this action, and we take the action for assessing 20 percent monthly interest rates for those farmers who have not had their claims done, I think we will be able to move this process. Many of the farmers who are out there do not know what is going on. They do not understand the complications of the system. They do not understand all that has been done in the consent decree.

Mr. Chairman, I would ask for support so that we could move this process.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. The gentlewoman from Ohio is recognized for 5 minutes.

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

Mr. Chairman, I want to say to the gentlewoman that in traveling the country and seeing that at least 70 percent of these civil rights cases are in the State of Mississippi, and in following a bit about how the cases are being adjudicated, I think the gentlewoman brings a very important set of issues to the floor today, and that is the difficulty with processing these cases, some of the bureaucratic, not just inertia, but, for example, when a case is settled, a claim is settled, then, for some reason, even after injury has been found, then that family's case is turned over to the FBI. Why? What is going on out there?

Mr. Chairman, I yield such time as she may consume to the gentlewoman from California (Ms. WATERS) on such a critical question that the Department should be moving on expeditiously, and there should be justice in this system and justice should be swift and sure.

Ms. WATERS. Mr. Chairman, I certainly appreciate all of the work the gentlewoman has put in, to not only waive the statute of limitations, that took tremendous work to get done, but the support that the gentlewoman has given with the class action lawsuit, the support that the gentlewoman has given to the Members of the Congressional Black Caucus and others who have been involved in all of this.

Additionally, along with the two ideas of trying to get interest when there has been a delay and trying to get more money to have more contractors, the last amendment that I had would be a transfer of funds from the position of Special Assistant to the Secretary for Civil Rights to a newly created position of Assistant Secretary of Civil Rights.

Now, this is very simple. What we have actually in the Department of Agriculture is a violation of the EEOC law, because what you have is you have a position, and in that position they not only are trying to supposedly do the work of the Civil Rights Division of the Department of Agriculture, they handle personnel for Agriculture and some other kinds of things that put them in direct conflict.

This idea would simply have a position of Assistant Secretary of Civil Rights that we would request so that we will have a way by which the complaints and the bottlenecks can be addressed at the highest levels so that we can get this behind us once and for all.

I do not know of anybody who is opposed to getting this done. As a matter of fact, these farmers are part of the great agricultural community of this Nation, who work hard, day in and day out, to supply the food stuffs that we need as citizens. These are the farmers that continue and persist in an attempt to do farming, no matter how difficult it is.

We have seen many of these farmers who have lost farms and come back and start all over again. Many of them have witnessed their ancestors, who have died trying to farm the land without money, without money to even buy the seed that they need to get planted. Many of them are sitting there now, not knowing if they are going to be foreclosed on. Many of them were born farmers, and they want to die farmers. They love what they do. They love the time and effort that many of their family members have put into farming, and I think we deserve to give them some support. I think they deserve to have these claims adjudicated. They deserve to have them processed in a timely manner.

As it has been said, they have been found to be eligible, their claims have been received, they have been investigated, and they are owed the money. Why are they being held up?

Well, one question has been raised, there are some folks who are maybe incompetent. Others are playing games. But I think it defies the direction of this House.

I would simply ask that we receive the kind of support that is necessary to process these claims and get it done.

Ms. KAPTUR. Mr. Chairman, again I want to thank the gentlewoman for her national leadership on this issue, and to say as we move towards conference, believe me, I will take these amendments into consideration and see if there is not some way that we can get additional momentum within the Department. There is absolutely no reason that a farmer against whom injury has been found should have to go bankrupt simply because the agency has not delivered the assistance in a timely manner and the award in a timely manner.

So I think the gentlewoman has some excellent suggestions here. I am sure the farmers who are listening and those who are facing this litigation are very grateful for her leadership.

I was listening to our former colleague, Congressman Kweisi Mufume, yesterday at the National Association for the Advancement of Colored Persons discuss the agricultural issue, and I do not know that I have ever heard that from the President of the NAACP before, but it is great to hear. It is a priority for them as well.

We look forward to working for the gentlewoman. I thank her for her leadership on behalf of civil rights for farmers, regardless of color or region. I would say to the gentlewoman from California (Ms. WATERS), we appreciate her great, great heart and her sense of justice.

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

Mr. Chairman, the gentlewoman's amendments are directed at a serious problem at USDA that has taken far too long to fix. After 5 years of the subcommittee's reviews of the civil rights situation, both for USDA employees and users of the programs, I am convinced that the problem is one of management, not money. We have consistently increased the Departmental Administration budget over the past 5 years, and that is where the Office of Civil Rights is housed.

Two years ago, at the administration's request, we put language in our bill that increased the scope of the statute of limitations so that minority farmers could press their claims, and that cost $15 million. This year's supplemental legislation, again at the request of the Department of Agriculture, includes $26.2 million for additional personnel at Farm Service Agency offices and $13 million specifically for expenses related to implement the minority farmers' consent decree and the Pigford decision. In addition, we have supplied millions of dollars in outreach education and research programs for minority farmers.

Mr. Chairman, what is clear from several reports by the Inspector General and by the General Accounting Office, USDA's own civil rights action team and the farmers themselves, is that only a commitment at the most senior level of the Department will resolve whatever problems remain. I do not believe that any kind of legislation can create that commitment. It must originate with the Secretary himself.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word, and I yield 5 minutes to the distinguished gentleman from the State of Georgia (Mr. BISHOP), regarding concern related to the draft that is before us.

Mr. BISHOP. Mr. Chairman, let me thank the gentlewoman for yielding me time for the purposes of a colloquy with the gentleman from Georgia (Mr. KINGSTON) regarding an amendment.

Before I address that, let me commend the gentlewoman from California for her effort on behalf of black farmers. I think that the colloquy that was held between the gentlewoman from California (Ms. WATERS), the gentlewoman from Ohio (Ms. KAPTUR), along with the gentleman from New Mexico (Mr. SKEEN), the subcommittee chair, is very appropriate, it is on target, and

it is something we need to move forward on with dispatch.

□ 1430

With that said, I would like to engage the gentleman from Georgia (Mr. KINGSTON) in a colloquy regarding the Committee on Appropriation's bill.

On March 21 of this year, I requested of the Committee on Appropriations' Subcommittee on Agriculture that two important projects be included in the agriculture appropriations bill for the year 2001. The requests under the USDA Agricultural Research Service included an ARS project to develop, evaluate, and transfer technology to improve the efficiency and quality of peanuts in Dawson, Georgia; and an ARS project on peanut quality research to develop technology and methodology for peanut quality management during production and postharvest processing, which is also in Dawson, Georgia.

The request was that the two projects be funded at the fiscal year 2000 levels, including reinstatement of funding for the 15 percent rescission. The total appropriation agreed to in subcommittee for the two projects and the rescission was $1.15 million.

During the markup of the full Committee on Appropriations for Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriation Bill for 2001, it is my understanding that the gentleman offered an amendment which would strike the provision of $1.15 million for the two projects that I just referred to, and the rescission, and would insert in lieu of that, ARS funds totaling $1.15 million for several other projects, including $250,000 for category 1 nematology research, $350,000 for an agricultural water use management project, $300,000 for an increase in funds provided for the chicken genome mapping project, and $250,000 to increase funds provided for research on the Avian Leukosis-J virus and the Avian disease and oncology lab.

Could the gentleman clarify for me the circumstances under which the two Dawson peanut projects were dropped, I assume inadvertently, pursuant to our conversations from the final committee report; and, if the gentleman would engage in some discussion with me with regard to the added four additional projects, which are very worthy projects and which I support and I join with the gentleman in requesting that they be funded. But because I support funding for the two projects that were eliminated as well as the projects that were substituted in lieu thereof, I would like to ask the gentleman to work with us, since they are all important to Georgia producers; they are important to the Southeast in agriculture and to agriculture across the country, and particularly the quality research at the peanut lab in Dawson.

Would the gentleman be willing to work with us in conference to make sure that we are able to not only restore the two projects that were funded, but to ask the conference committee if they would also continue the four projects that the gentleman inserted in there, which we think are worthy and which were also proposed by us?

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

Mr. BISHOP. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Chairman, if I could respond, what we would like to do is continue working with the gentleman on these important projects because we know the gentleman's interest in them; and the gentleman is correct, there are a number of worthy projects here. The gentleman as an advocate of agriculture, the gentleman as an advocate of peanuts, the gentleman has worked hard for research, because it does not just have impact in Georgia; but it does nationally and not just for farmers who are in need of help right now, but for consumers who want to make sure that they have an abundant and safe food supply.

So we will continue working with the gentleman in the conference arena. It is also my understanding that the gentleman has secured some funding from another body which we will endeavor to match on the House side. I will be on the conference committee, and I will work with the gentleman on this.

Mr. BISHOP. Mr. Chairman, reclaiming my time, these two projects, as the gentleman is correct in saying, are included in the report language of the Senate Committee on Appropriations Report, report 106–288 at page 34.

We certainly appreciate the gentleman's pledge of cooperation, and we would appreciate that very much; and we think it will be in the best interests of not just Georgia peanut farmers but the southeastern farmers and peanut farmers all across the country and agriculture as a whole.

So I thank the gentleman very much, and I thank the gentlewoman for yielding.

Ms. KAPTUR. Mr. Chairman, I offer an amendment, Amendment No. 15.

The CHAIRMAN. Amendment No. 15 was not made in order under the order of the House of yesterday.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we have an amendment that would essentially attempt to address the farm crisis affecting so many regions across this country by providing $80 million under emergency designation out of funds from the Commodity Credit Corporation for equity capital and grants to small and medium-sized producers for feasibility studies, business development strategies, restructuring small and medium-sized enterprises, and the processing and marketing of agricultural commodities organized through cooperatives.

Ever since the passage of the Freedom to Farm Act, billions and billions of dollars have been spent by the people of the United States in trying to prop up rural America in emergency payments to our producers. From the numbers that I have been able to obtain, that emergency assistance has amounted to over $24.5 billion, and that is with a ''B.'' In order to qualify for those programs, one does not even have to have a crop in the ground.

A recent GAO study that came out indicated that, in fact, in 1999, almost a third of the $4.5 billion in payments went to farms that would not have received it had we been using a traditional production measurement system that had existed prior to Freedom to Farm. So what we have is a situation where we have people going bankrupt in rural America, we have an AMTA payment, or an Agricultural Market Transition Assistance payment, that really does not go to people who desperately need it in many, many cases; and we need to find other measures to help farmers weather and adjust in this economy.

The amendment that I am proposing would help farmers meet the market, and it is tough. Whether one is a sugar beet producer, whether one is a beef producer, whether one is in feed grains, it really does not matter what, unless one can economically restructure in this economy, find higher value-added products and bring those to market more directly with prices being what they are, one cannot afford to have a farm business that provides the majority of one's income.

We know that while farmers want to depend on the market, we have not provided the economic tools for them to do that, and there is not any farm family in this country that wants to exist on subsidy.

This amendment would actually spend far fewer dollars than current programs, and it would offer the opportunity of establishing co-op development ventures that would have permanence, would have a lasting impact in many places across this country.

If we think about it, the amendment that we have drafted establishes a cap. No particular enterprise could get more than $500,000, excuse me, I should say $10 million out of the $80 million; and we would be looking at ways of helping farmers group together in order to use their combined assets to meet the market. It is real dollars that can help them not just bounce along in this economy, but perhaps survive long term.

The amendment provides for grants that can be targeted toward feasibility studies and business development plans. We know many farmers do not know how to organize into a marketing co-op for milk, for sugar products, for honey products, whatever it might be. This would give them another mechanism.

I know I was shocked to meet with sugar beet growers from Michigan who were just up against it, and not able to make it in the economy; and they said, Congresswoman, if we could just figure

out how to reorganize ourselves as a business unit, we really want to remain in business. What amazed me about that conversation, in spite of the devastation that they are facing and even bankruptcy in some cases, they were struggling to find the means to meet the market. I was so impressed with their optimism; and, therefore, I would hope that as we move toward conference, that this kind of cooperative development mechanism might be able to be embedded into the base bill.

Mr. Chairman, I yield any remaining time that I might have to the gentleman from Iowa (Mr. BOSWELL).

The CHAIRMAN. The time of the gentlewoman from Ohio (Ms. KAPTUR) has expired.

Ms. KAPTUR. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I yield the time to the gentleman from Iowa (Mr. BOSWELL), who has been such a leader in crafting this bill as well as the agriculture authorization bill and the crop insurance measure that was before us a few weeks ago, and we thank him for his leadership on behalf of rural America in every aspect.

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

Mr. BOSWELL. Mr. Chairman, I thank the gentlewoman from Ohio (Ms. KAPTUR) for yielding me the time.

To the gentleman from New Mexico (Mr. SKEEN), if I could just take a personal moment, a mutual friend of ours down there in New Mexico said it right, I say to the gentleman. He said, you are a good man. I have watched the gentleman from New Mexico (Mr. SKEEN) and the gentlewoman from Ohio (Ms. KAPTUR) for the last 4 years, and they have their hearts in what they are doing, and I appreciate it.

I would like to associate myself with the remarks that have been made by the gentlewoman from Ohio. I think that we do, in fact, have an emergency; and I understand that this amendment is not going to be dealt with today, because it would fall in that category. So I understand that. I know that the Chairman will carry forth in that rule and so on.

But I do think we have an emergency. We could make a case for it. The reason I say that is because in my area and the chairman's area and the gentlewoman from Ohio's area and all of those across rural America, we see the family farm, which is hard to define, but we see it going by the wayside. Bigger and bigger, much more corporate farming going on, and so on. So we do have an emergency, I believe. Here are some of the reasons I feel that way.

Mr. Chairman, we have a safe, plentiful, affordable food supply compared cost-wise to any other modern country in the world, as the percentage of disposable income is so much less. We are privileged to have that. I see that in danger of escaping from us. We should think of it. How many of us here, myself included, pick up the newspaper and we turn over to the stock market and we see what is going on. We are concerned and we ought to be, and we want to see whatever we have invested in to have some profitability; and if it does not, we are concerned. If it goes through a quarter and it is down, why, we want something done about it; and that is just the way it is. There is nothing wrong with profitability; it is good, the way it should be. But when the prices are down, the CEOs are under a lot of pressure, and we see things change.

When it comes to food and fiber, I think that is a different category. What we feed this Nation and around the world with is something different. Every one of us in this country, all of us, should be very much tuned into this because the amount of one's disposable income that one will pay for one's safe, plentiful food is going to change if we do not get a grip on this. It is just simply going to happen.

So this idea that the gentlewoman brings forth, I think, needs consideration. The only tool that I see out there right now that is effectively working, and I have been in part of that system for a long time; I chaired a board for a long time, I am an active member in my local district and I live on the farm, is to allow those communities to have those co-ops and to have the opportunity to purchase, and the advantage of their shareholders and also to market and to be part of the value added to the system, to be part of the value added; and we are not doing that now.

So I applaud the gentlewoman for her efforts to try to create some resources to do that. We have seen a little of that done in some isolated places, and it works. For the producer to have a part of the action for the value added, it just makes sense.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BOSWELL. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, coming from Iowa, I am sure that the gentleman has noted the greater and greater concentration in the agriculture industry, and it is much harder for producers to be company-equal partners in any kind of negotiation related to farm product and to actually bring that product to market. So I wanted to emphasize what the gentleman has been saying about how farms have had to get bigger and bigger and bigger, and even to try to meet market of today, it is almost impossible for many of these producers to do that.

So I was interested in the gentleman's co-op experience and why that is relevant as we try to finance.

□ 1445

Mr. BOSWELL. When they can co-operate together they still have the ownership of it, and it is going right back to that family farm. Whatever is gained there is a good thing for not only them but for the community, for the State, for the country.

I think we have to look for opportunities to enhance that. That is what the gentlewoman is trying to do. I would ask the chairman if he would help, and if we get a chance to do things for these people, that we pull together to do it. I have confidence that the gentleman will.

I am delighted that I can come here this afternoon and participate in this dialogue. We are doing the right thing. Everybody is interested to have safe, plentiful, and affordable food. We ought to do everything we can to be sure that happens. I say our chances are much better if we have it spread over the land, over a number of family farms, rather than in the collective hands of a few.

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

Mr. Chairman, as we draw to the conclusion of this bill, I just want to remind Members of the shortcomings which will still lead people like me to vote against it on final passage, even though I fully recognize that the gentleman from New Mexico (Mr. SKEEN) has done everything he could within the totally inadequate allocation provided to him to produce a bill that would be worthy of the House's support.

I would point out that in a letter from the Executive Office of the President it is made clear that "Given the severe underfunding of critical programs and highly objectionable language provisions in the bill, the President's senior advisers would recommend that he veto the bill if it were presented to him in its current form."

I think it is useful to underline what a few of those reasons are. First of all, with respect to food safety, this bill underfunds the budget request for USDA's Food Safety and Inspection Service, which inspects meat and poultry, by over $14 million.

This bill severely underfunds Department efforts to deal with market concentration and abusive practices within the industry. It falls some $53 million short of the budget request in dealing with problems such as citrus canker in Florida, the Asian longhorn beetle infestation that is killing hardwood trees in New York and Illinois, the plum pox outbreak in Pennsylvania, bovine TB in Michigan, Pierce's disease in California's grape industry, Mediterranean fruitflies, and similar problems.

Those may seem like small problems if one does not farm. If one farms, they are huge obstructions to making a living. This bill does not sufficiently respond to those problems.

In the area of conservation programs, it falls $70 million short of the budget request for conservation operations at the Natural Resources Conservation Service, and we are told that will require the elimination of about 260 staff who help farmers and ranchers design and implement measures to reduce soil

erosion, protect water supplies, and the like.

It also is $180 million below the administration's request for rural development. It is short on P.L. 480, overseas food donation programs. The agricultural research and extension program would be $63 million below the request.

The bill contains the dangerous rider which restricts FDA and USDA actions to reduce Salmonella contamination in eggs.

Most importantly, in my view, there is a huge hole in this bill because it contains nothing to deal with the problem of collapsing prices on the farm, and whether we are talking about dairy, where I come from, or other commodities, the fact is that farmers are in dire straits because of the collapse of market prices.

The collapse of market prices in my view has been brought on by the ill-advised Freedom to Farm Act, which creates a very weird situation.

I know of no other field, no other economic field in this country in which, if we had an oversupply of product, we would not cut back on production in order to bring ourselves into some equilibrium between supply and demand. Only in agriculture do farmers face the practical reality that if they individually want to try to beat the problem, they have to increase rather than decrease production.

That produces a national farm policy which makes no sense. In the process it drives down the price paid to individual farms and farmers.

For all of those reasons, while I respect greatly the gentleman from New Mexico and I believe that he has done the best job he can given the allocation made available to him, that allocation is woefully inadequate. It does not meet the needs of the next 5 years in agriculture, and until it comes back from conference with what I would hope would be some rational compromises on some of these items, I personally will not be in a position to support the bill.

I regret that, but I think that this bill has a long way to go before it is going to receive a presidential signature.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 538, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 39 offered by the gentleman from Oregon (Mr. DEFAZIO); amendment No. 48 offered by the gentleman from South Carolina (Mr. SANFORD); amendment No. 68 offered by the gentleman from Indiana (Mr. BURTON).

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

AMENDMENT NO. 39 OFFERED BY MR. DEFAZIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Oregon (Mr. DEFAZIO) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No, 39 offered by Mr. DEFAZIO: Insert before the short title the following:

TITLE IX—ADDITIONAL GENERAL PROVISIONS

SEC. 901. Notwithstanding any other provision of this Act, not more than $28,684.000 of the funds made available in this Act may be used for Wildlife Services Program operations under the heading ''Animal and Plant Health Inspection Service'', and none of the funds appropriated or otherwise made available by this Act for Wildlife Services Program operations to carry out the first section of the Act of March 2, 1931 (7 U.S.C. 426), may be used to conduct campaigns for the destruction of wild animals for the purpose of protecting stock.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 15-minute vote, followed by two 5-minute votes.

The vote was taken by electronic device, and there were—ayes 190, noes 228, not voting 16, as follows:

[Roll No. 382]

AYES—190

Ackerman
Allen
Andrews
Baird
Baldwin
Barcia
Barrett (WI)
Bass
Berkley
Berman
Biggert
Bilbray
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Brady (PA)
Brown (OH)
Capuano
Cardin
Carson
Castle
Chabot
Clay
Clement
Clyburn
Conyers
Costello
Cox
Coyne
Crane
Crowley
Cummings
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dixon
Doggett
Doyle
Duncan
Engel
English
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Gejdenson
Gephardt
Gilman
Gonzalez
Green (TX)
Green (WI)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hefley
Hill (IN)
Hinchey
Hoeffel
Holt
Hooley
Horn
Houghton
Hoyer
Hulshof
Hyde
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kleczka
Kucinich
Kuykendall
LaFalce
Lantos
Larson
Lazio
Leach
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller, George
Moakley
Moore
Moran (VA)
Morella
Nadler
Napolitano
Neal
Northup
Obey
Olver
Pallone
Pascrell
Paul
Pease
Pelosi
Petri
Phelps
Porter
Price (NC)
Ramstad
Rangel
Rivers
Roemer
Rohrabacher
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Sabo
Sanders
Sanford
Sawyer
Schakowsky
Scott
Sensenbrenner
Serrano
Shays
Sherman
Smith (NJ)
Snyder
Spratt
Stark
Sununu
Tancredo
Tauscher
Tauzin
Taylor (MS)
Tierney
Toomey
Udall (CO)
Velazquez
Wamp
Waters
Waxman
Weiner
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Woolsey
Wu
Wynn

NOES—228

Abercrombie
Aderholt
Archer
Armey
Baca
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bentsen
Bereuter
Berry
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Calvert
Camp
Canady
Cannon
Capps
Chambliss
Clayton
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cramer
Cubin
Cunningham
Danner
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Foley
Fowler
Frost
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Herger
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hostettler
Hunter
Hutchinson
Isakson
Istook
Jenkins
John
Johnson, Sam
Kanjorski
Kaptur
Kasich
Kingston
Klink
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
McCrery
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Miller (FL)
Miller, Gary
Minge
Mink
Moran (KS)
Murtha
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Ortiz
Ose
Oxley
Packard
Pastor
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Ros-Lehtinen
Ryun (KS)
Salmon
Sanchez
Sandlin
Saxton
Schaffer
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—16

Becerra
Callahan
Campbell
Chenoweth-Hage
Davis (FL)
Forbes
McCollum
McIntosh
McNulty
Mollohan
Owens
Payne
Scarborough
Slaughter
Smith (WA)
Vento

□ 1511

Messrs. HUNTER, VITTER, STUPAK, DEMINT, OBERSTAR, ROGAN, RYUN of Kansas, and Ms. SANCHEZ changed their vote from ''aye'' to ''no.''

Mr. TIERNEY, Mr. HEFLEY and Ms. CARSON changed their vote from ''no'' to ''aye.''

So the amendment was rejected.

The result of the vote was announced as above recorded.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. Pursuant to House Resolution 538, 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 NO. 48 OFFERED BY MR. SANFORD

The CHAIRMAN. The pending business is the demand for a recorded vote on Amendment No. 48 offered by the gentleman from South Carolina (Mr. SANFORD) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. 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 166, noes 255, not voting 13, as follows:

[Roll No. 383]

AYES—166

Ackerman
Andrews
Archer
Baker
Baldwin
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Berkley
Biggert
Bilbray
Bliley
Blumenauer
Boehner
Bono
Brown (OH)
Bryant
Camp
Capps
Capuano
Castle
Chabot
Clyburn
Coble
Coburn
Collins
Conyers
Cox
Crane
Crowley
Cunningham
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLay
DeMint
Deutsch
Doggett
Duncan
Dunn
Ehlers
Ehrlich
English
Eshoo
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Ganske
Gejdenson
Goodling
Goss
Graham
Green (WI)
Greenwood
Gutknecht
Hastings (FL)
Hayworth
Hefley
Herger
Hilleary
Hoeffel
Hoekstra
Holt
Hostettler
Houghton
Hulshof
Hutchinson
Inslee
Istook
Johnson (CT)
Jones (NC)
Kasich
Kelly
Kildee
Kind (WI)
King (NY)
Knollenberg
Kolbe
LaFalce
LaTourette
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Manzullo
Markey
McCrery
McDermott
McGovern
McKinney
Meehan
Menendez
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Moakley
Moran (VA)
Morella
Myrick
Nadler
Neal
Northup
Olver
Oxley
Paul
Pease
Petri
Pitts
Porter
Portman
Pryce (OH)
Ramstad
Rivers
Roemer
Rogan
Rohrabacher
Roukema
Royce
Ryan (WI)
Salmon
Sanford
Saxton
Schaffer
Schakowsky
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Smith (NJ)
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Strickland
Sununu
Tancredo
Taylor (MS)
Terry
Tierney
Toomey
Upton
Velazquez
Wamp
Weiner
Weldon (FL)
Wexler
Wolf
Wu

NOES—255

Abercrombie
Aderholt
Allen
Armey
Baca
Bachus
Baird
Baldacci
Ballenger
Barton
Bateman
Bentsen
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blunt
Boehlert
Bonilla
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Burr
Burton
Buyer
Callahan
Calvert
Canady
Cannon
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Combest
Condit
Cook
Cooksey
Costello
Coyne
Cramer
Cubin
Cummings
Danner
Davis (IL)
DeLauro
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Edwards
Emerson
Engel
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Ford
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Gordon
Granger
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hill (IN)
Hill (MT)
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Hoyer
Hunter
Hyde
Isakson
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson, E. B.
Johnson, Sam
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kilpatrick
Kingston
Kleczka
Klink
Kucinich
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lucas (KY)
Lucas (OK)
Maloney (NY)
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McHugh
McInnis
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Millender-McDonald
Minge
Mink
Mollohan
Moore
Moran (KS)
Murtha
Napolitano
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Packard
Pallone
Pascrell
Pastor
Pelosi
Peterson (MN)
Peterson (PA)
Phelps
Pickering
Pickett
Pombo
Pomeroy
Price (NC)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogers
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Ryun (KS)
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sessions
Sherman
Sherwood
Shimkus
Shows
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Snyder
Stenholm
Stump
Stupak
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Visclosky
Vitter
Walden
Walsh
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wynn
Young (AK)
Young (FL)

NOT VOTING—13

Becerra
Campbell
Chenoweth-Hage
Forbes
McCollum
McIntosh
McNulty
Owens
Payne
Scarborough
Slaughter
Smith (WA)
Vento

□ 1518

Mr. SIMPSON changed his vote from ''aye'' to ''no''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 68 OFFERED BY MR. BURTON OF INDIANA

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

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

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

The vote was taken by electronic device, and there were—ayes 168, noes 253, not voting 13, as follows:

[Roll No. 384]

AYES—168

Aderholt
Archer
Armey
Bachus
Baker
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Biggert
Bilbray
Blunt
Bryant
Burr
Burton
Callahan
Camp
Cannon
Chabot
Coburn
Collins
Cook
Costello
Cox
Crane
Cubin
Davis (VA)
Deal
DeFazio
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Duncan
Dunn
Ehlers
Emerson
English
Evans
Everett
Filner
Foley
Fowler
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Goss
Graham
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hayes
Hayworth
Hefley
Hill (MT)
Hilleary
Hoekstra
Holden
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
Kleczka
Kucinich
Kuykendall
LaHood
Largent
Lazio
Leach
Linder
Lipinski
LoBiondo
Manzullo
McHugh
McInnis
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Miller, George
Mink
Moran (KS)
Myrick
Northup
Norwood
Nussle
Ose
Oxley
Paul
Pease
Peterson (MN)
Phelps
Pickering
Pitts
Pombo
Pryce (OH)
Quinn
Radanovich
Ramstad
Reynolds
Riley
Rogan
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanford
Saxton
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (MI)
Smith (NJ)
Smith (TX)

Stearns
Strickland
Stump
Sununu
Tancredo
Tauzin
Taylor (MS)
Terry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—253

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barcia
Barrett (WI)
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Buyer
Calvert
Canady
Capps
Capuano
Cardin
Carson
Castle
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Combest
Condit
Conyers
Cooksey
Coyne
Cramer
Crowley
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Ewing
Farr
Fattah
Fletcher
Ford
Fossella
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Granger
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hastings (WA)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holt
Hooley
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Klink
Knollenberg
Kolbe
LaFalce
Lampson
Lantos
Larson
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McDermott
McGovern
McIntyre
McKeon
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Minge
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Packard
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (PA)
Petri
Pickett
Pomeroy
Porter
Portman
Price (NC)
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Rogers
Rothman
Roukema
Roybal-Allard
Rush
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skeen
Skelton
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stenholm
Stupak
Sweeney
Talent
Tanner
Tauscher
Taylor (NC)
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Watkins
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Whitfield
Wise
Woolsey
Wu
Wynn

NOT VOTING—13

Becerra
Campbell
Chenoweth-Hage
Forbes
Herger
McCollum
McIntosh
McNulty
Owens
Scarborough
Slaughter
Smith (WA)
Vento

□ 1526

Messrs. SAXTON, DELAY and ROYCE and Mrs. NORTHUP changed their vote from ''no'' to ''aye''.

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to come before the Committee?

If not, the Clerk will read the final three lines of the bill.

The Clerk read as follows:

This Act may be cited as the ''Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2001''.

Mr. GUTKNECHT. Mr. Chairman, I would like to associate myself with the comments expressed today by my colleague from Minnesota, Mr. MINGE, regarding the Farm Planning and Analysis System presented in use by the Minnesota Farm Service Agency. This software has served as an extremely valuable financial management tool for thousands of Minnesota farmers and saved thousands of man hours for our FSA employees in Minnesota. While I appreciate the Department of Agriculture's move toward a common computing environment, I strongly encourage the Committee to consider the superior capabilities of FINPACK and help ensure an appropriate resolution that allows our producers to continue using this popular tool.

Mr. PETRI. Mr. Chairman, I rise to make a few important comments about the inequities of continuing to exclude the U.S. mink industry from the U.S. Department of Agriculture's (USDA's) Market Access Program (MAP). This is an important issue for the mink industry and its many small ranchers and allied industries that reside in some 28 U.S. states where mink is produced.

Since 1996, U.S. mink has been unfairly excluded from the MAP program. This exclusion is primarily the result of political pressure brought to bear by animal rights groups. The exclusion has nothing whatsoever to do with the mink industry's eligibility for the program or the success of the mink industry's MAP program prior to 1996. Importantly, the mink industry's prior export promotion program was considered a model program by USDA. The industry's MAP activities, which were used to promote the superior quality of U.S. rancher-raised mink in Europe and Asia, successfully increased U.S. mink exports by 25% between 1992 and 1995. In the last year of participation, exports of U.S. mink skins exceeded $100 million.

Today, almost all sectors of American agriculture, except mink, participate in the MAP program. The mink industry is no different from the beef, pork, chicken and sheep industries in the United States, all of which receive substantial MAP funding. Moreover, most U.S. mink ranchers are small, second- and third-generation family-owned operations. The mink auction houses are cooperatives and small businesses, all eligible for the MAP program.

This is a U.S. industry that sells nearly 95% of its annual production abroad. All foreign producers, particularly those in Europe, are heavily subsidized. MAP money is needed for U.S. mink ranchers to effectively promote the superior quality of U.S. ranch-raised mink and compete successfully against this heavily subsidized foreign production. Thus, the exclusion only ensures that our foreign competitors dominate the global mink market.

I am deeply disappointed that it was not possible to restore MAP funding for mink through the 2001 Agriculture Appropriations bill. This inequity, however, can and should be corrected. Accordingly, I strongly urge Mr. COMBEST and other members of the Agriculture Committee to exert their best efforts to restore MAP funding in the next possible authorizing vehicle that comes before the Agriculture Committee.

Mr. BENTSEN. Mr. Chairman, I rise today in support of the Fiscal Year 2001 Agriculture Appropriations bill (H.R. 4461). This bill provides $75.4 billion for agriculture programs. While this is a significant amount of funding, it is $524 million or 1 percent less than this year's budget and it is $1.9 billion less than the amount requested by the Administration. Farmers and ranchers in Texas and throughout our Nation are facing financial hardships because of the low cost of commodities. This legislation will help many of these family farmers to keep their land and to provide supplemental payments for their farm products.

Eighty percent of this bill is dedicated to mandatory spending programs such as food stamps and the Women, Infants and Children (WIC) Program. I strongly support these programs and believe that many children and low-income families benefit from these programs. For many working families, these nutritional programs are vitally necessary to ensure that they have sufficient food to eat and each day.

I am particularly supportive of the human nutrition research programs though the Agriculture Research Service of the United States Department of Agriculture. I am disappointed that the House Appropriations Committee provided level funding for the six human nutrition centers nationwide, including the Children's Nutrition Research Center (CNRC) at Baylor College of Medicine in cooperation with Texas Children's Hospital, located in Houston, Texas. I am committed to working with the House Appropriations Committee to provide additional funding for the CNRC as this bill moves forward. The CNRC is dedicated to defining the nutrient needs of healthy children from conception through adolescence, and pregnancy and nursing women.

Since its inception in November 1978, the CNRC has focused on critical questions relating to women and nutrition. These include determining how the diet of a pregnant woman affects her health and the health of her child and how a mother's nutrition affects lactation and the nutrient contents of her milk. The center also has researched the relationship between nutrition and the physical and mental development of children. In addition, CNRC has conducted amazing research which has identified the genes contributing to nutrient intakes and determined the factors that regulate these genes. This research will lead to valuable discoveries in the field of genetics.

I would like to highlight two recent discoveries made at the CNRC that will help children live healthier, longer lives. The CNRC has helped to develop a software dietary assessment program that enables children to record what they eat. By recording their intake, children are able to interact with a multi-media

game which encourages them to increase their fruit, juice, and vegetables among fourth grade children.

Another important study provided a reference data for energy (calorie) requirement for infants from birth to two years of age. These data will form the basis of new infant caloric intake recommendations currently under review by the Food and Nutrition Board of the National Academy of Science. With proper nutrition, children will live healthier lives and be receptive to learning.

I urge my colleagues to support this bill and all of its agricultural programs.

Mr. MCGOVERN. Mr. Chairman, I rise in support of the Hinchey-Walsh language included in H.R. 4461, the FY 2001 Department of Agriculture and Related Agencies Appropriations Bill. This emergency language is vital for the apple growers in central Massachusetts and throughout New England, and I thank both Mr. HINCHEY and Chairman WALSH for their leadership on this issue.

Mr. Chairman, the apple growers in my district were hurt by Hurricane Floyd and by adverse weather conditions in 1999. The weather caused what are usually sweet and delicious apples to become mealy and unsuitable for normal eating. Instead of selling their products to stores and markets for sale to the public, my growers were forced to sell these lower quality apples to juicers. The problem, financially, is that apples sold to make juice are sold at a price considerably lower than apples sold for consumption. As a result, these growers suffered significant financial loss and hardship from Hurricane Floyd.

This language is important because it will provide necessary emergency relief for these growers. The $15 million in quality loss is important for the growers in New England. It responds to what was a true emergency—a hurricane that caused the loss of what is normally a profitable crop. The $100 million for market loss is also vital for my growers. Together, this emergency funding will provide the needed relief for growers in New England who suffered through an extreme weather situation that could have caused many growers to go out of business.

Mr. Chairman, I received many calls from the apple growers in my district asking for help because of Hurricane Floyd. I want to thank all the apple growers in Worcester County who first brought this tragic issue to my attention. In particular, I want to thank Mo Tougus of the Tougus Family Farm in Northboro, Massachusetts; Sterling, Massachusetts apple growers Robert Smiley and Anthony Melone; Ed O'Neil of JP Sullivan and Company in Ayer, Massachusetts; and Ken Nicewicz from Bolton, Massachusetts. I am pleased to be able to tell them that, finally, help is on the way.

Mr. Chairman, this effort might have been lost if not for the diligent work of the U.S. Department of Agriculture. Secretary Dan Glickman and Undersecretary Gus Schumacher deserve credit for recognizing the need of these apple growers. As the former Massachusetts State Commissioner of Agriculture, Undersecretary Schumacher is a valuable resource and he deserves special recognition for his work on behalf of apple growers. Locally, Charlie Costa, Kip Graham and Paul Fischer of the Farm Service Agency in Massachusetts were essential in the efforts to educate people in Congress about the need of the apple growers in Massachusetts and across the country. Their work locally was significant and helpful. Without the support and technical assistance from these people, our apple growers may not have received the emergency relief they so desperately need.

Mr. CHAMBLISS. Mr. Chairman, I fully support H.R. 4461, because it provides funding for programs that will help assure the vitality of agriculture in Georgia. This bill allocates funding for essential programs, which allow further development and progress in food production. In addition, H.R. 4461 provides financial support for agricultural research that is crucial for finding solutions that will allow and promote more cost-effective production methods and higher quality results.

By allocating funding for research, this bill will help resolve problems inhibiting productivity and development. More specifically, research in pest and disease control, such as nematode and tomato spotted wilt disease research, will enhance strategies used to combat crop yield losses. Funding is also included for the development of more efficient agricultural water usage that is critical to locations in south Georgia where agricultural water usage comprises 50% of all water consumed. Furthermore, the bill includes funding for the National Center for Peanut Competitiveness for research directed toward guaranteeing competitiveness for U.S. peanuts in the world market. Funding for poultry disease research is also important to explore diseases that limit and inhibit poultry production.

Support for these research efforts, coupled with funding for promotional and marketing efforts, will help enable farmers to practice more efficient methods and minimize the devastating losses with which they have become all too familiar. I urge my colleagues to vote for this bill and support America's farmers.

Mr. MINGE. Mr. Chairman, for the past 23 years, Minnesota Farm Service Agency borrowers have had access to a farm planning and analysis system known as FINPACK. The software is a comprehensive system that is of great benefit to producers, their lenders, and to the Farm Service Agency that administers their loans. FINPACK, initially developed by the University of Minnesota in 1972, became a Farmers Home Administration (FmHA) initiated pilot project that began in six Minnesota FmHA offices in 1977. Due to its effectiveness, additional Minnesota FmHA offices began to use the system. Today FINPACK provides monthly cash flows, enterprise analyses, budgeting and balance sheets to nearly 10,000–15,000 producers in Minnesota.

By their nature, FSA borrowers are borrowers at risk. As the ''lender of last resort'' and provider of ''supervised credit,'' FSA has a mandate to help producers improve their management capacity and ultimately their financial viability. Not only has FINPACK provided an efficient system to help Minnesota producers in their strategic planning, it has allowed a system of cooperation among educators, extension agents, consultants, farm advocates, and bankers. As producers develop their farm plan, they are able to provide the computer file that contains all of the information to those who assist them in their farm planning. Editing changes may be made immediately and without return visits.

However, as valuable as FINPACK is to producers and their advisors, it is equally valuable to Minnesota's FSA office employees. Minnesota FSA estimates that FINPACK saves them $40,000 to $180,000 annually in reduced contractor fees due to cooperation with educators and lenders. With FSA's current staff resource shortages, the interagency and public and private cooperative is invaluable to FSA county staff. The Minnesota FSA field staff has unanimously asked for the ability to continue to use FINPACK.

Unfortunately, the USDA recently announced that FSA must use the Farm and Home Plan (FHP) and will not allow Minnesota FSA offices to use FINPACK as part of USDA's attempt to comply with the ''Common Computing Environment'' mandated by Congress. This issue has received national attention. The National Association of Credit Supervisors, the FSA employee organization for credit specialists, has passed a resolution supporting continued use of FINPACK. While FINPACK is used by FSA only in Minnesota, it is used by Risk Management Education programs in more than 40 states.

The Farm and Home Plan (FHP) is used by FSA for credit applications. The FHP meets minimum requirements for credit applications, but does not provide the documentation required by FSA for Interest Assistance applications. FSA requires a monthly cash flow plan for Interest Assistance, but FHP does not have this capability. The FHP provides a simple cash analysis not an accrual analysis as required by FSA for Borrower Training. Furthermore, the FHP makes no attempt to comply with ABA Farm Financial Standards.

FSA has represented that they have developed a generic interface, allowing for usage of FINPACK by producers to be coordinated with FSA's use of FHP. Essentially, FSA's FHP software stores data in a Microsoft Access database. This means that any software program can export data in Access format and it can be loaded into the Access database. However FSA has not addressed how lenders, educators and producers can transfer producer ID's so that the FHP knows where to store the data. Technology appears to be a challenge for FSA. Currently FSA has two versions of FHP software—one that runs on PCs and one that runs on their mainframe System 36 machine. These two versions of the FHP are not interfaced and cannot transfer data. This problem illustrates FSA's inability to deal with this technology.

However, Farm Service Agency has refused to allow the continued use of FINPACK based on the Common Computing Environment mandated by Congress. While the need to streamline and have uniform systems is important, it is not logical to insist that a superior system be abandoned. FSA has determined that as of September 30, 2000 FINPACK is not to be used any longer in FSA offices in Minnesota.

Over the six months, it has been difficult and frustrating to deal with the USDA on this issue. While I am generally hesitant to introduce legislation to address this administrative decision, I urge the committee to work with the Minnesota delegation to develop a positive resolution that allows producers to continue to use this valuable financial tool.

□ 1530

The CHAIRMAN. If there are 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.

NUSSLE, 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. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes, pursuant to House Resolution 538, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

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

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

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

The vote was taken by electronic device, and there were—yeas 339, nays 82, not voting 13, as follows:

[Roll No. 385]

YEAS—339

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bentsen
Bereuter
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
King (NY)
Kingston
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McIntyre
McKeon
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Millender-McDonald
Miller (FL)
Miller, Gary
Mink
Moakley
Mollohan
Moore
Moran (KS)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Nussle
Olver
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Peterson (PA)
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Ryan (WI)
Ryun (KS)
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaffer
Scott
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sweeney
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NAYS—82

Andrews
Baldwin
Barrett (WI)
Barton
Berkley
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capuano
Carson
Clay
Coburn
Conyers
Coyne
Crane
Cummings
Davis (IL)
DeGette
Delahunt
Deutsch
Doggett
Eshoo
Fattah
Filner
Frank (MA)
Gephardt
Gutierrez
Hefley
Inslee
Jackson (IL)
Kennedy
Kind (WI)
Kleczka
Kucinich
Lantos
Lee
Lewis (GA)
Lofgren
Luther
Maloney (CT)
Maloney (NY)
Markey
McDermott
McGovern
McInnis
McKinney
Meehan
Mica
Miller, George
Minge
Moran (VA)
Neal
Oberstar
Obey
Paul
Payne
Pelosi
Peterson (MN)
Petri
Rivers
Rohrabacher
Royce
Rush
Sabo
Salmon
Sanford
Schakowsky
Sensenbrenner
Shays
Stark
Sununu
Tancredo
Tauscher
Tierney
Towns
Udall (CO)
Velazquez
Waters
Waxman
Weygand
Wu

NOT VOTING—13

Becerra
Campbell
Chenoweth-Hage
Forbes
McCollum
McIntosh
McNulty
Norwood
Owens
Rahall
Slaughter
Smith (WA)
Vento

□ 1545

Mr. KLECZKA changed his vote from ''yea'' to ''nay.''

Mr. ARCHER changed his vote from ''nay'' to ''yea.''

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. RAHALL. Mr. Speaker, I ask that my position in support of final passage of the vote that just occurred be expressed in the RECORD. I was unavoidably detained in my office meeting with the CEO of U.S. Airways and missed the vote.

PERSONAL EXPLANATION

Ms. SLAUGHTER. Mr. Speaker, I was unable to be present for rollcall votes 382, 383, 384, and 385.

Had I been present, I would have voted ''yes'' or ''aye'' on rollcall votes 382, 383 and 385 and ''no'' or ''nay'' on rollcal vote 384.

EXTENDING APPRECIATION TO CHAIRMAN OF SUBCOMMITTEE ON AGRICULTURE APPROPRIATIONS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute)

Ms. KAPTUR. Mr. Speaker, I wish to use this moment with all of our colleagues to extend deepest appreciation to our fine chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration and Related Agencies, the gentleman from New Mexico (Mr. SKEEN), for his leadership and great victory on this bill. It has been a joy to work with him, and I know that under the rules of the House because of rotation, he may not be able to serve in this capacity in the next year, although I hope we can change those rules. But I want to say he has been a true gentleman, a real scholar, someone who understands farming and ranching from the get-go. He truly is an advocate for our farmers and ranchers and a real friend to every single Member of this House. It has been a joy to work with him on this bill in this first year of the new century.

Mr. SKEEN. If the gentlewoman will yield, I thank all my colleagues. I would like to say I am very humbled about this, but I do not let it show. I thank her for being the great lady that she is because she has been a real joy to work with and so for the rest of our committee. Just as with most of the people that sit in this Chamber day after day, I appreciate what wonderful people they are and what a wonderful job they are doing for the public that we represent. I thank them very much from the bottom of my heart.

Ms. KAPTUR. I am sure the gentleman would agree with me that the gentleman from Iowa (Mr. NUSSLE) did

an excellent, very fair-handed job with dispatch in the chair throughout these deliberations which lasted many, many hours, 16, 17, 18, 19, 20 hours on this bill alone. To Hank Moore, Martin Delgado, John Ziolkowski, Joanne Orndorf; and our detailees, Anne DuBey and Maureen Holohan; and certainly Jim Richards from your staff and Roger Szemraj from my own and David Reich from the minority staff, I think they did an outstanding job on this very complicated bill.

Mr. SKEEN. They are the real movers and shakers. We just do not let them know it too often because they get a little bit large in the head. But they are wonderful folks. I thank all the staff folks who have done so much for all of us. They make us look good every day.

Ms. KAPTUR. In closing, Mr. Speaker, I just want to say that the judge of every Member in this House really is the character of that individual in the end. The gentleman from New Mexico truly is a gentleman of his word. There is not a Member of this House on either side of the aisle that cannot go up to him and get a fair hearing. In the end, that is the measure of ourselves as an institution. It is just a joy to work with him and to serve with him.

Mr. SKEEN. I thank the gentlewoman for those kind words. After listening to all the work that we have done, particularly on one of these programs, I am going to mail a coyote to everybody who is left because we do not need them at the ranch anymore.

Mrs. CLAYTON. Mr. Speaker, if the gentlewoman will yield, I just wanted to ditto what the gentlewoman from Ohio has said, thanking the gentleman who is a gentleman in the truest sense, not the political sense.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, I ask unanimous consent that the RECORD show that I intended to vote ''yes'' on rollcall 378, the Sanford amendment to H.R. 4461, that was taken yesterday, July 10. I was recorded as a ''no,'' but my vote was intended to be approval.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

Any record votes on postponed questions will be taken tomorrow.

ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK ESTABLISHMENT ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4063) to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes, as amended.

The Clerk read as follows:

H.R. 4063

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 ''Rosie the Riveter/World War II Home Front National Historical Park Establishment Act of 2000''.

SEC. 2. ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK.

(a) ESTABLISHMENT.—In order to preserve for the benefit and inspiration of the people of the United States as a national historical park certain sites, structures, and areas located in Richmond, California, that are associated with the industrial, governmental, and citizen efforts that led to victory in World War II, there is established the Rosie the Riveter/World War II Home Front National Historical Park (in this Act referred to as the ''park'').

(b) AREAS INCLUDED.—The boundaries of the park shall be those generally depicted on the map entitled ''Proposed Boundary Map, Rosie the Riveter/World War II Home Front National Historical Park'' numbered 963/80000 and dated May 2000. The map shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 3. ADMINISTRATION OF THE NATIONAL HISTORICAL PARK.

(a) IN GENERAL.—

(1) GENERAL ADMINISTRATION.—The Secretary of the Interior (in this Act referred to as the ''Secretary'') shall administer the park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes,'' approved August 35, 1916 (39 Stat. 535; 16 U.S.C. 1 through 4), and the Act of August 21, 1935 (49 Stat. 666; 16 U.S.C. 461–467).

(2) SPECIFIC AUTHORITIES.—The Secretary may interpret the story of Rosie the Riveter and the World War II home front, conduct and maintain oral histories that relate to the World War II home front theme, and provide technical assistance in the preservation of historic properties that support this story.

(b) COOPERATIVE AGREEMENTS.—

(1) GENERAL AGREEMENTS.—The Secretary may enter into cooperative agreements with the owners of the World War II Child Development Centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67A, pursuant to which the Secretary may mark, interpret, improve, restore, and provide technical assistance with respect to the preservation and interpretation of such properties. Such agreements shall contain, but need not be limited to, provisions under which the Secretary shall have the right of access at reasonable times to public portions of the property for interpretive and other purposes, and that no changes or alterations shall be made in the property except by mutual agreement.

(2) LIMITED AGREEMENTS.—The Secretary may consult and enter into cooperative agreements with interested persons for interpretation and technical assistance with the preservation of—

(A) the Ford Assembly Building;

(B) the intact dry docks/basin docks and five historic structures at Richmond Shipyard #3;

(C) the Shimada Peace Memorial Park;

(D) Westshore Park;

(E) the Rosie the Riveter Memorial;

(F) Sheridan Observation Point Park;

(G) the Bay Trail/Esplanade;

(H) Vincent Park; and

(I) the vessel S.S. RED OAK VICTORY, and Whirley Cranes associated with shipbuilding in Richmond.

(c) EDUCATION CENTER.—The Secretary may establish a World War II Home Front Education Center in the Ford Assembly Building. Such center shall include a program that allows for distance learning and linkages to other representative sites across the country, for the purpose of educating the public as to the significance of the site and the World War II Home Front.

(d) USE OF FEDERAL FUNDS.—

(1) NON-FEDERAL MATCHING.—(A) As a condition of expending any funds appropriated to the Secretary for the purposes of the cooperative agreements under subsection (b)(2), the Secretary shall require that such expenditure must be matched by expenditure of an equal amount of funds, goods, services, or in-kind contributions provided by non-Federal sources.

(B) With the approval of the Secretary, any donation of property, services, or goods from a non-Federal source may be considered as a contribution of funds from a non-Federal source for purposes of this paragraph.

(2) COOPERATIVE AGREEMENT.—Any payment made by the Secretary pursuant to a cooperative agreement under this section shall be subject to an agreement that conversion, use, or disposal of the project so assisted for purposes contrary to the purposes of this Act, as determined by the Secretary, shall entitle the United States to reimbursement of the greater of—

(A) all funds paid by the Secretary to such project; or

(B) the proportion of the increased value of the project attributable to such payments, determined at the time of such conversion, use, or disposal.

(e) ACQUISITION.—

(1) FORD ASSEMBLY BUILDING.—The Secretary may acquire a leasehold interest in the Ford Assembly Building for the purposes of operating a World War II Home Front Education Center.

(2) OTHER FACILITIES.—The Secretary may acquire, from willing sellers, lands or interests in the World War II day care centers, the World War II worker housing, the Kaiser-Permanente Field Hospital, and Fire Station 67, through donation, purchase with donated or appropriated funds, transfer from any other Federal Agency, or exchange.

(3) ARTIFACTS.—The Secretary may acquire and provide for the curation of historic artifacts that relate to the park.

(f) DONATIONS.—The Secretary may accept and use donations of funds, property, and services to carry out this Act.

(g) GENERAL MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 3 complete fiscal years after the date funds are made available, the Secretary shall prepare, in consultation with the city of Richmond, California, and transmit to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate a general management plan for the park in accordance with the provisions of section 12(b) of the Act of August 18, 1970 (16 U.S.C. 1a–7(b)), popularly known as the National Park System General Authorities Act, and other applicable law.

(2) PRESERVATION OF SETTING.—The general management plan shall include a plan to preserve the historic setting of the Rosie the Riveter/World War II Home Front National Historical Park, which shall be jointly developed and approved by the city of Richmond.

(3) ADDITIONAL SITES.—The general management plan shall include a determination of whether there are additional representative sites in Richmond that should be added to the park or sites in the rest of the United States that relate to the industrial, governmental, and citizen efforts during World War II that should be linked to and interpreted at the park. Such determination shall consider any information or findings developed in the National Park Service study of the World War II Home Front under section 4.

SEC. 4. WORLD WAR II HOME FRONT STUDY.

The Secretary shall conduct a theme study of the World War II home front to determine whether other sites in the United States meet the criteria for potential inclusion in the National Park System in accordance with Section 8 of Public Law 91–383 (16 U.S.C. 1a–5).

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—

(1) ORAL HISTORIES, PRESERVATION, AND VISITOR SERVICES.—There are authorized to be appropriated such sums as may be necessary to conduct oral histories and to carry out the preservation, interpretation, education, and other essential visitor services provided for by this Act.

(2) ARTIFACTS.—There are authorized to be appropriated $1,000,000 for the acquisition and curation of historical artifacts related to the park.

(b) PROPERTY ACQUISITION.—There are authorized to be appropriated such sums as are necessary to acquire the properties listed in section 3(e)(2).

(c) LIMITATION ON USE OF FUNDS FOR S.S. RED OAK VICTORY.—None of the funds authorized to be appropriated by this section may be used for the operation, maintenance, or preservation of the vessel S.S. RED OAK VICTORY.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

Mr. HANSEN. Mr. Speaker, I yield myself such time as I may consume. I rise in support of H.R. 4063, as amended, introduced by the gentleman from California (Mr. GEORGE MILLER), the ranking minority member from the Committee on Resources. The gentleman from California deserves a lot of credit for crafting this bill, which establishes the Rosie the Riveter-World War II Home Front National Historical Park in the State of California. The historical park would commemorate the industrial, governmental and citizen efforts that eventually led the United States to victory in World War II, and includes sites, structures, and areas that are associated with the home front efforts.

The historical park would be administered by the Secretary of the Interior as a unit of the National Park System. The bill also allows the Secretary to enter into cooperative agreements for the acquisition and curation of historic artifacts and materials related to the park along with providing for the preservation and interpretation of the park and sites selected by the Secretary as representative of the World War II home front. H.R. 4063 also stipulates that any Federal funds used in the cooperative agreements must be matched by an equal amount of funds from non-Federal sources.

I am pleased to be a cosponsor of this bill. This bill creates a park unit which interprets an important part of the history of World War II. I urge all my colleagues to support H.R. 4063, as amended.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 4063, which is to create the Rosie the Riveter-World War II Home Front National Historic Park. By passing this bill today and sending it over to hopefully expeditious consideration in the other body, we honor all of those who served in the war, in uniform and in coveralls, wearing helmets or bandanas, hoisting a machine gun or a welder's torch.

The Rosie the Riveter National Park would salute the role of the home front during World War II, particularly recognizing the significant changes in the lives of women and minorities that occurred during that era. I am very pleased by the wide support this legislation has received not only in our home community of Richmond, California, but from groups like Kaiser Permanente and the Veterans of Foreign Wars.

I want to thank the gentleman from Alaska (Mr. YOUNG) and the gentleman from Utah (Mr. HANSEN) for their solid support for this legislation, which will give this House an opportunity to go on record as honoring the millions of women who served in the home front during World War II. I want to thank the members of the Committee on Resources who voted unanimously to report this legislation to the House last month.

There has been a great deal of discussion about the significance of World War II this year which marks the 55th anniversary of the end of that horrific conflict. Just last month, the D-Day Museum was opened in New Orleans with a great deal of attention paid to the critical role in the successful invasion of the Higgins boat and those who manufactured it.

H.R. 4063 allows this Nation to honor permanently, through the creation of a national historic park, all of the millions of women and minorities in particular who were the forgotten soldiers of World War II, those who made enormous contributions to this Nation during World War II on the home front. Their migration to industrial centers like Richmond, California, and their ability to move into jobs formerly held only by white males who had moved into the Armed Forces changed the course of the war, the course of history, and the course of social and economic policies in this country forever. It should be noted that thousands of them gave their lives as part of the war effort.

I would like to note that in the report from the National Park Service, they note that between Pearl Harbor in 1941 and January of 1944, that 37,000 people lost their lives on the home front working to build the military mechanism that we used to defeat the Axis, that over 4 million people were temporarily disabled, and 210,000 people were permanently disabled. So in fact the war, the war that World War II was creating, was creating the casualties also on the home front for those who responded to the national need.

Rosie the Riveter has survived as the most remembered icon of the civilian workforce that helped win World War II and had a powerful resonance in the women's movement, the National Park Service tells us in their feasibility study. The National Park Service also found that the Rosie the Riveter-World War II Home Front National Historic Park is nationally significant and that Richmond offers an exceptional opportunity to interpret the many layers of World War II home front experience, including migration and resettlement for jobs, integration of the workforce, industrial and employee service innovations, and the remarkable effort by government, industry, communities and unions to enable America to win the war.

At the hearing we held on this bill, we heard from former Rosies and Wendy the Welders, through the moving testimony of Ludie Mitchell. We heard what it was like for minority women to journey from the South to the West Coast of the United States, to areas that they had never been, had never seen and had barely heard of, to take up a welder's torch, to climb into the belly of a ship under construction and do their job and at one point complete the construction of that ship within 4 days.

We also heard from Ruth Powers, who worked in the child care center which was necessitated by the construction schedule in the Kaiser shipyards for 24-hour child care. In fact, what we found in the discussions during the hearing was that today as we talk about the 24 and 7 economy, the fact that dot coms and the new technology cause people to work around the clock with the globalization of the economy, what in fact we find out that 24 and 7 existed long before that. It existed in the home front battle in World War II where we had 24-hour child care, 24-hour food service, 24-hour health care, movie shows ran 24-hour schedules and in many instances boarding houses ran 24-hour schedules because one shift would sleep while the other shift was working and then the others would come in so that there would be enough housing for all of the workers who migrated to the West Coast shipyards in Richmond, California.

What this legislation is really about is about a celebration of the American spirit. It is about a celebration of Americans' ability to sacrifice. It is about a celebration of Americans responding to the call of the country to the national need and responding to problems in other parts of the world, because that is what America did in the home front during World War II. America responded with every being in the country to contribute to that effort.

As white America, white male America went off to the war, quickly the Roosevelt administration found itself

with the inability to conduct that war because America was not prepared for that war.

□ 1600

So some 10 million people went off to military service. That meant that somebody else was going to have to take the jobs in the shipyards and the tank manufacturing facilities and all of the war material plants across this country. That fell to Rosie the Riveter and to minority workers, who were not allowed at that time to join the battle front. They had to stay on the home front.

And respond they did. In my hometown of Richmond, California, a sleepy western town on the edge of San Francisco Bay, it went from 23,000 people to over 90,000 people in a matter of months, as Henry Kaiser responded to the call of President Roosevelt to create the infrastructure to build the ships.

In the 1930s, I think I am correct, America launched about 30 ships. In the 1940s, very few, until the war started. In this shipyard we built over 747 ships, and at one point in the historical report they tell us the Robert E. Perry liberty ship was constructed in Richmond Shipyard Number 2 in 4 days, 15 hours and 29 minutes and it was ready to go battle overseas. In 4 days, 15 hours, the shipyard workers constructed a liberty ship. That is one of the remarkable efforts that is celebrated by this legislation and would be celebrated by the Rosie the Riveter Park.

It is also celebrated as the integration of the workforce. For the first time, out of the South blacks and whites were forced to work together if in fact we were going to defeat our enemies in World War II. So in this case, not only was the workforce becoming more female, it was becoming integrated. Again, that changed the social dynamics, not only of our civilian structure, where people were living in the same housing, there was no time to segregate them, it was too expensive, people came together in integration in the workplace, in child care centers and health care facilities, and in housing, but eventually it also changed to the integration of the armed services in responding to this.

But it was not just the Rosie the Riveters and the welders responding and sacrificing and responding to the call of President Roosevelt and the needs of our nation. Other Americans were doing the same thing. Those of that generation will remember the efforts to ration gasoline, to ration all the critical materials, any metals, rubber, tires, bicycles, vacuum cleaners. All of these things had to last. They had to last longer than normal because we needed the materials for the Second World War.

Some people will remember the slogans: ''Use it all up. Don't waste it. Wear it out. Make it do or do without.'' Victory gardens cropped up all over the Nation, all part of the home front battle.

The effort of this legislation is to remember that and create a repository for so many of the artifacts that continue to exist, to create oral histories of the women and the men and the minorities that worked in the shipyards and the home front effort.

A couple of years ago, under the leadership of Councilwoman Donna Powers, we had a celebration in Richmond, California, where, to the best of our knowledge, we tried to invite many the women who worked in the shipyards during World War II to come back and to participate in the celebration, recognizing their contribution to the winning of World War II.

The fact is that over 100 women came from all across the country, with their daughters, with their granddaughters. In some cases granddaughters and daughters came because their mother or grandmother had passed on, but they wanted to come see where their mother or grandmother or great grandmother worked and to participate in that piece of history. Hopefully the creation of this Home Front Historic Park will allow other families to participate in that historic journey on behalf of their families and the contributions that these women made to winning the war effort.

Mr. Speaker, I would hope that the House would give its overwhelming support to this legislation so that we can follow up on the finding of value of this park by the National Park Service and we can pay proper tribute to all of those who participated in the battle for the home front.

Mr. Speaker, I rise in support of H.R. 4063 which would create the ''Rosie the Riveter-World War II Home Front National Historic Park.'' By passing this bill today, and sending it over to hopefully expeditious consideration in the other body, we honor all those who served in the war, in uniform and in coveralls, wearing helmets or bandanas, hoisting a machine gun or a welder's torch.

The Rosie the Riveter National Historic Park would salute the role of the home front during World War II, and particularly recognize the significant changes in the lives of women and minorities that occurred during that ear. I am very pleased by the wide support this legislation has received not only in our home community of Richmond, California, but from groups like Kaiser Permanents and the Veterans of Foreign Wars.

I want to thank Chairman DON YOUNG of the Resources Committee, and Parks Subcommittee Chairman JIM HANSEN for their solid support for this legislation, and for expediting consideration of this bipartisan and noncontroversial legislation so that the House would have the opportunity to go on record as honoring the millions of women who served on the home front during World War II. And I also want to thank the members of the Resources Committee who voted unanimously to report this legislation to the House last month.

There has been a great deal of discussion about the significance of World War II this year, which marks the 55th anniversary of the end of that horrific conflict. And just last month, D-Day museum was opened in New Orleans, and a great deal of attention was paid to the critical role in the successful invasion of the Higgins boat and those who manufactured it.

H.R. 4063 allows the nation to honor permanently, through creation of a National Historic Park, all of the millions of women and minorities in particular who were the ''forgotten soldiers'' of World War II—those who made enormous contributions to this nation during World War II on the home front. Their migration to industrial centers like Richmond, and their ability to move into jobs formerly held only by white males who had moved into the armed forces, changed the course of the war, the course of history, and the course of social and economic policies in this country forever. And, it should be noted, thousands of them gave their lives as part of the war effort.

As the National Park Service Feasibility Study on the project concluded, ''Rosie the Riveter has survived as the most remembered icon of the civilian work force that helped win World War II and has a powerful resonance in the women's movement.''

This legislation has been carefully developed by local officials and organizations in the Richmond and East Bay Area in conjunction with the National Parks Service pursuant to legislation enacted by the last Congress. The bill is based on the Feasibility Study prepared pursuant to that legislation. I would note that Assistant Secretary Donald Barry has stated: ''The study found that the area proposed as the Rosie the Riveter-World War II Home Front National Historic Park is nationally significant [and that] Richmond offers an exceptional opportunity to interpret the many layers of World War II Home Front experience, including migration and resettlement for jobs, integration of the workforce, industrial and employee service innovations, and the remarkable efforts by government, industry, communities and unions to enable America to win the war.''

At the hearing we held on this bill, we heard from former Rosies and Wendy the Welders—through the moving testimony of Ludie Mitchell. We heard what it was like for minority women to journey to new areas of the country, to take up welders' torches and climb into the belly of ships under construction, building, in one case, a complete ship in just four days.

We also heard from Ruth Powers, who worked in the child care center that was necessitated by the round-the-clock schedule of the Kaiser Shipyards. In fact, child care and group health pioneered by Kaiser were among the most historic social developments to emerge from World War II, and at the Rosie Historic Site, we have original buildings from both.

We also have some of the remaining dry docks where the Liberty and Victory ships were constructed, and some of the unique architecture that was transformed into war production facilities or built to accommodate defense needs.

The full story of the Home Front's contributions and sacrifices during the war, and Richmond's particular contributions to that effort, are outlined in the Feasibility Study at this point.

Excerpts from Rosie the Riveter World War II Home Front Final Feasibility Study Report, National Park Service (June 2000):

In the first year of America's entry to World War II, the U.S. Navy was losing ships

faster than they could be built. In the 1930's America had launched only 23 ships. In 1940, it took 14 months to build a typical cargo ship. By 1945, it was being done in eight weeks.

Four shipyards were built in rapid succession in Richmond beginning in early 1941 and completed by 1942. Employment at the Richmond Shipyards peaked at 90,000 and, along with the rest of the defense industry buildup, forced a national recruitment and migration of workers and integration of the work force that was unprecedented in its magnitude and impact.

As America went to war, its people fought overseas on the battle fronts and pitched in on the home front; ten million people departed the civilian workplace for active military service. Industry, challenged to undertake a massive overnight buildup, aggressively began recruiting and training an effective workforce from the population left behind.

''Rosie the Riveter'' was a propaganda phrase coined to help recruit female civilian workers and came to symbolize a workface that was mobilized to fill the gap. ''Wendy the Welder'' was another less glamorized icon, who in real life was Janet Doyle, a welder in the Richmond Shipyards. After some initial resistance from employers, women replaced men in many traditionally male stateside jobs to support World War II Home Front production efforts as men enlisted in active military service. People of color encountered more lengthy resistance, but ultimately were brought in the Home Front workforce.

The four Richmond Shipyards, built by industrialist Henry J. Kaiser's firm . . . employed 90,000 including tens of thousands of women of all ages and backgrounds. In Richmond, these women helped build 747 ships in record time for use by the United States Navy and Merchant Marine. Their labor marked an unprecedented entry into jobs never before performed by women and played a critical role in increasing American productivity to meet the demand for ships to overturn the German and Japanese strategy to defeat the U.S. Navy. These four shipyards constitute the largest World War II shipyard operation in the U.S. Richmond also had 55 other wartime support industries and one of the nation's largest wartime housing programs. The Ford Assembly Plant converted from automobile to tank production during the war, processing over 60,000 tanks plus a variety of other military vehicles.

Nationwide six million women entered the World War II Home Front workforce. The employment opportunities for black women and other women of color were unprecedented. African Americans, Asians, Hispanics and Native Americans were eventually employed for the first time to work side by side with whites in specialized, high-paying jobs previously unavailable to them. Women and people of color earned more money than they ever had and mastered job skills that had been solely performed by white men up to that point.

Many of the Home Front industries were set up at the nexus of railroad lines and harbors where materials could be assembled and shipped overseas. Richmond was ideally situated as a West Coast rail terminus on San Francisco Bay and the Golden Gate opening to the Pacific Ocean.

During World War II, Richmond's population grew dramatically from 23,642 to over 100,000 attracting people from all over the country. By 1944, 27% of the Richmond Shipyards workforce of 90,000 were women, including over 41% of all welders and 24% of all craft employees. Another 10,000 workers, including commuters from other Bay Area cities and towns, worked in Richmond's 55 other war industries.

The jobs available at World War II Home Front industrial complexes attracted and actively recruited-workers from across the country resulting in massive, mostly permanent population relocations. Many, who relocated from poor, rural places and marginal jobs such as sharecropping, were determined to stay on after World War II. The cities where the World War II industries mobilized were confronted with overwhelming demands on housing, transportation, community services, shopping, and infrastructure. To enable the 24-hour production, the largest companies, such as Kaiser, and the public sector cooperated to provide round the clock child care, food service, health care, and employee services.

Despite their best efforts, many workers often had to settle for marginal housing, long lines for purchases and lengthy commutes, in addition to the other Home Front sacrifices.

Working conditions on the Home Front could be difficult and dangerous and took a very high toll. A January 21, 1944 New York times article cited: ''Industrial casualties (women and men) between Pearl Harbor and January 1st of this year aggregated 37,500 killed, or 7,500 more than the military dead, 210,000 permanently disabled, and 4,500,000 temporarily disabled, or 60 times the number of military wounded and missing.'' While the ultimate United States casualty count on the Battle Front reached 295,000, the additional casualties on the Home Front represent the full price America paid to win the War.

For most Americans, the World War II Home Front experience also involved many day-to-day adjustments to support the War effort. These adaptations involved: collection and recycling of strategic materials such as metal, paper, waste fat, nylon, silk, and rubber. Twenty common commodities, including gasoline, sugar, coffee, shoes, butter, and meat, were carefully rationed. Tires, cars, bicycles, vacuum cleaners, waffle irons and flashlights had to last because they were no longer manufactured. People were asked to ''Use it up/Wear it out/Make it do/or Do without.'' Victory gardens cropped up everywhere. Everyone bought war bonds. National parks were closed. Women replaced men in professional sports leagues, orchestras and many other tasks.

As World War II drew to a close, war-related industry jobs peaked in early 1945 and began to shut down as the last battles were fought. After the war, jobs for women and people of color diminished dramatically. Post-war jobs were largely reserved for returning servicemen.

Propaganda messages were re-phrased from telling women to come to work to advise them that their appropriate roles were not at home. While most assumed those who relocated to the Home Front industrial sites would return to where they came from, the majority of migrants were determined to stay.

The World War II Home Front in Richmond was representative of other industrial centers that emerged specifically to support America's war effort. Many of those who worked in Richmond's industries are part of the community today.

The effort to preserve these historic sites has been led by the City of Richmond, including Mayor Rosemary Corbin and Councilman Tom Butt, former Councilwoman Donna Powers, and local preservationists including Donna Graves. They have generated not only plans, but substantial financial resources to support the restoration and maintenance of the historic structures. The National Park Service will play a key role in developing the Site, including the maintenance of a visitors' center and services, but the major financial responsibilities will remain with the local community.

I do want to pay tribute to Regional Director John Reynolds and Ray Murray of the National Park Service who have played a key role in producing the Feasibility Study and in working closely with the local groups to finalize this project and develop the legislation before us today.

This legislation pays tribute to all those who participated, contributed and sacrificed on the home front during World War II. They fought that greatest war for all of us, and this legislation will ensure that future generations of Americans know what they did, and honor them for their sacrifices.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in full support of the creation of a Rosie the Riveter-World War Two Home Front National Historic Park. This bill establishes the Rosie the Riveter World War Two Home Front National Historical Park in Richmond, California under the direction of the Interior Department and the National Park Service.

Created by Norman Rockwell in 1943, the character ''Rosie'' depicted a muscular woman eating a sandwich long before female body sculpting was acceptable. Rosie represented the home front contributions of women in the Allies effort to defeat the Axis Powers during World War Two. This innocent-looking woman in coveralls, cradling her rivet gun in her lap, goggles pushed up onto her forehead let it be known that mom was not home baking cookies while her sons and husbands were fighting for freedom. She did what she had to do and if that meant picking up a blow-torch, or hammer, or saw she did it because there were not enough men in her town, city, state, or nation to build the tanks, planes, and trucks required to defeat the Nazi war machine.

The proposed memorial will honor the more than 6 million women who entered the job force during the war, many of them taking up positions in what was considered by most of that time to be ''man's work.'' These women made tremendous contributions to our nation's survival during a difficult time in American History, but after the war was over they quietly without request or fanfare returned to their homes to raise their families and nurture their communities through the healing process after a draining war. Their efforts were far ahead of the women's equal rights movement of the 1960s, but they were the daughters of those women who fought for women's voting rights in the United States. These daughters of social revolutionaries were revolutionaries in modern American society by letting it be known that women were and are capable of contributing a great deal to the preservation of our society.

It is long over due that these heroes of World War Two be recognized for their valuable contributions to our nation's war efforts. Therefore, I ask that all of my colleagues join in support of this national recognition of the contribution of women in the successful conclusion of World War Two.

Ms. PELOSI. Mr. Speaker, I rise in support of the legislation offered by my colleague from California, Mr. GEORGE MILLER, to establish a historical park in Richmond, California dedicated to Rosie the Riveter and the World War II home front. I would like to commend the

ranking member of the House Resources Committee, Mr. MILLER, for bringing this important legislation to the floor today.

The Rosie the Riveter National Historical Park is a tribute to the thousands of women during the World War II era, who broke the mold and left the role of homemaker, to enter factories and shipyards to build aircraft and war ships for our troops overseas. Jobs, typically held by white males, were not being done by women and minorities; transforming the face of our Nation's workforce. Not only did these ''Rosies'' bring new recognition to the importance of women as part of the work force, they brought about changes in child care and women's health services.

The establishment of a Rosie the Riveter National Historical Park is a fitting tribute to the men and women of the World War II homefront, who labored around the clock building the ships, tanks, and aircraft that were so vital to the war effort. It is our duty to recognize the enormous contribution that these men and women made not only to the war effort but to the sweeping social and cultural changes that were ushered in by the war-time employment needs.

Mr. MILLER's legislation is supported by women's and veterans groups and by the local communities in and around Richmond, where shipbuilding during World War II was a major activity. I urge my colleagues to vote ''yes'' on H.R. 4063.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4063, as amended.

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

The title of the bill was amended so as to read: ''A bill to establish the Rosie the Riveter/World War II Home Front National Historical Park in the State of California, and for other purposes.''

A motion to reconsider was laid on the table.

UTAH WEST DESERT LAND EXCHANGE ACT OF 2000

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4579) to provide for the exchange of certain lands within the State of Utah, as amended.

The Clerk read as follows:

H.R. 4579

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 ''Utah West Desert Land Exchange Act of 2000''.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The State of Utah owns approximately 95,095.19 acres of land, as well as approximately 11,187.60 acres of mineral interests, located in the West Desert region of Utah and contained wholly or partially within certain wilderness study areas created pursuant to section 603 of the Federal Lands Policy and Management Act of 1976, or proposed by the Bureau of Land Management for wilderness study area status pursuant to section 202 of that Act. These lands were granted by the Congress to the State of Utah pursuant to the Utah Enabling Act of 1894 (chapter 138; 23 Stat. 107), to be held in trust for the benefit of the State's public school system and other public institutions. The lands are largely scattered in checkerboard fashion amidst the Federal lands comprising the remainder of such existing and proposed wilderness study areas.

(2) Development of surface and mineral resources on State trust lands within existing or proposed wilderness study areas, or the sale of such lands into private ownership, could be incompatible with management of such lands for nonimpairment of their wilderness characteristics pursuant to section 603(c) of the Federal Land Policy and Management Act of 1976 or with future congressional designation of the lands as wilderness.

(3) The United States owns lands and interests in lands outside of existing and proposed wilderness study areas that can be transferred to the State of Utah in exchange for the West Desert wilderness inholdings without jeopardizing Federal management objectives or needs.

(4) The large presence of State trust land inholdings in existing and proposed wilderness study areas in the West Desert region makes land and resource management in these areas difficult, costly, and controversial for both the State of Utah and the United States.

(5) It is in the public interest to reach agreement on exchange of such inholdings, on terms fair to both the State of Utah and the United States. Such an agreement, subject to ratification by the Congress, would save much time and delay in meeting the legitimate expectations of the State school and institutional trusts, in simplifying management of Federal lands, and in avoiding the significant time and expense associated with administrative land exchanges.

(6) The State of Utah and the United States have reached an agreement under which the State would exchange certain State trust lands within specified wilderness study areas and areas identified as having wilderness characteristics in the West Desert region for various Federal lands and interests in lands outside of those areas but in the same region of Utah. The agreement also provides for the State to convey to the United States approximately 483 acres of land in Washington County, Utah, that has been designated as critical habitat for the Desert Tortoise, a threatened species, for inclusion in the Red Cliffs Desert Reserve.

(7) Because the inholdings to be acquired by the Federal Government include properties within some of the most spectacular wild areas in the western United States, and because a mission of the Utah School and Institutional Trust Lands Administration is to produce economic benefits for Utah's public schools and other beneficiary institutions, the exchange of lands called for in this agreement will resolve longstanding environmental conflicts with respect to the existing and proposed wilderness study areas, place important natural lands into public ownership, and further the interests of the State trust lands, the school children of Utah, and these conservation resources.

(8) Under this agreement taken as a whole, the State interests to be conveyed to the United States by the State of Utah, and the Federal interests to be conveyed to the State of Utah by the United States, will be approximately equal in value.

(b) PURPOSE.—The purpose of this Act is to enact into law and direct prompt implementation of this agreement, and thereby to further the public interest by consolidating State and Federal lands into manageable units while facilitating the protection of lands with significant scientific, cultural, and natural resources.

SEC. 3. RATIFICATION OF THE AGREED EXCHANGE BETWEEN THE STATE OF UTAH AND THE DEPARTMENT OF THE INTERIOR.

(a) AGREEMENT.—The State of Utah and the Department of the Interior have agreed to exchange certain Federal lands and mineral interests in the State of Utah for lands and mineral interests of approximately equal value managed by the Utah School and Institutional Trust Lands Administration wholly or partially within certain existing and proposed wilderness study areas in the West Desert region of Utah.

(b) RATIFICATION.—All terms, conditions, procedures, covenants, reservations, and other provisions set forth in the document entitled ''Agreement for Exchange of Lands—West Desert State-Federal Land Consolidation'', dated May 30, 2000 (in this Act referred to as ''the Agreement''), are hereby incorporated in this Act, are ratified and confirmed, and set forth the obligations of the United States, the State of Utah, and the Utah School and Institutional Trust Lands Administration, as a matter of Federal law.

(c) CONDITION.—Before exchanging any lands under this Act, the Secretary of the Interior and the State of Utah shall each document in a statement of value how the determination of approximately equal value was made in accordance with section 206(h) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(h)), provided that the provisions of paragraph (1)(A) of section 206(h) of such Act shall not apply. In addition, the Secretary and the State shall select an independent qualified appraiser who shall review the statements of value as prepared by the Secretary and the State of Utah and all documentation and determine if the lands are of approximately equal value. If there is a finding of a difference in value, then the Secretary and the State shall adjust the exchange to achieve approximately equal value.

SEC. 4. CONVEYANCES.

(a) CONVEYANCES.—All conveyances under sections 2 and 3 of the Agreement shall be completed within 70 days after the date on which the condition set forth in section 3(c) is met.

(b) MAPS AND LEGAL DESCRIPTIONS.—

(1) IN GENERAL.—The maps and legal descriptions referred to in the Agreement depict the lands subject to the conveyances under the Agreement.

(2) PUBLIC AVAILABILITY.—The maps and descriptions referred to in the Agreement shall be on file and available for public inspection in the offices of the Secretary of the Interior and the Utah State Director of the Bureau of Land Management.

(3) CONFLICT.—In case of any conflict between the maps and the legal descriptions in the Agreement, the legal descriptions shall control.

SEC. 5. COSTS.

The United States and the State of Utah shall each bear its own respective costs incurred in the implementation of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, H.R. 4579 introduced by myself, would facilitate a major land exchange between the Secretary of the Interior and the State of Utah. Within the West Desert of Utah lies hundreds of thousands of acres of wilderness study areas. For decades now, the school trust has owned lands within these WSAs with no ability to generate revenues from these lands, which is their constitutional mandate.

Earlier in this Congress, the Secretary and the school trust began negotiating a land exchange to remove these lands from the WSAs to ensure that those lands would not be developed and to ensure that the school children of Utah could benefit from the lands they have owned since statehood.

This exchange trades approximately 106,000 acres of State land for approximately 106,000 acres of Federal land. This is an equal value exchange that benefits both the conservation of our lands and the school children of Utah. We bring to the floor today an amended version of the legislation which ensures that the values are equal and that the work of the State and the Department of Interior will be independently reviewed. I appreciate the minority working with us and the Department to craft an amendment that guarantees this as an equal value exchange.

I urge my colleagues to support H.R. 4579.

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

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this legislation, H.R. 4579, that would ratify an agreement reached May 30 between Interior Secretary Babbitt and Utah Governor Levitt to exchange Federal and State lands in the West Desert of Utah. Such legislation is necessary because the proposed exchange does not comply with the requirements of the Federal Land Policy Management Act and other applicable law.

The agreement between the Secretary and the Governor has only recently been finalized, and the hearing held by the Committee on Resources raised several questions. Fortunately, I think we have been able to address the questions that were raised with respect to appraisal of these lands and the process by which the BLM went through this and raised concerns about the general, if you will, BLM appraisal process with respect to land exchanges.

Clearly here the worry was that valuation methods were used that had no basis in law or policy and could not stand up to the appraisal standards. But I think the fact of the matter is that while that process was far from ideal, I think also we have a unique situation here in the sense that there is a benefit in this exchange, especially in the fact that we will have the opportunity to consolidate Federal land holdings in many wilderness study areas and other lands found to have significant wilderness qualities, and I think that is important.

So some of these lands in and of them themselves may not have great value, but in terms of management and the consolidation impact, I think that clearly this exchange is needed, and I believe the bill now contains provisions that will provide reasonable process for assessing the value of the proposed land exchange before it is implemented.

The language provides that the Secretary and the State of Utah will each prepare a statement of value for the lands to be exchanged. In addition, the two parties will select an independent qualified appraiser who will review those statements of values and all relevant documentation to determine if the lands are of approximately equal value. I think this in fact will make the bill acceptable.

I really want to thank the sponsor of this legislation, the gentleman from Utah (Mr. HANSEN), for all of the effort that he has put into this legislation to address these concerns. I think it is clearly a bill that the House should now support.

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

Mr. HANSEN. Mr. Speaker, I thank the gentleman from California for his comments.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the bill, H.R. 4579, as amended.

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

A motion to reconsider was laid on the table.

VALLES CALDERA PRESERVATION ACT

Mr. HANSEN. Mr. Speaker, I move to suspend the rules and pass the Senate bill (S. 1892) to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture, and for other purposes.

The Clerk read as follows:

S. 1892

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

TITLE I—VALLES CALDERA NATIONAL PRESERVE AND TRUST

SEC. 101. SHORT TITLE.

This title may be cited as the ''Valles Caldera Preservation Act''.

SEC. 102. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Baca ranch comprises most of the Valles Caldera in central New Mexico, and constitutes a unique land mass, with significant scientific, cultural, historic, recreational, ecological, wildlife, fisheries, and productive values;

(2) the Valles Caldera is a large resurgent lava dome with potential geothermal activity;

(3) the land comprising the Baca ranch was originally granted to the heirs of Don Luis Maria Cabeza de Vaca in 1860;

(4) historical evidence, in the form of old logging camps and other artifacts, and the history of territorial New Mexico indicate the importance of this land over many generations for domesticated livestock production and timber supply;

(5) the careful husbandry of the Baca ranch by the current owners, including selective timbering, limited grazing and hunting, and the use of prescribed fire, have preserved a mix of healthy range and timber land with significant species diversity, thereby serving as a model for sustainable land development and use;

(6) the Baca ranch's natural beauty and abundant resources, and its proximity to large municipal populations, could provide numerous recreational opportunities for hiking, fishing, camping, cross-country skiing, and hunting;

(7) the Forest Service documented the scenic and natural values of the Baca ranch in its 1993 study entitled ''Report on the Study of the Baca Location No. 1, Santa Fe National Forest, New Mexico'', as directed by Public Law 101–556;

(8) the Baca ranch can be protected for current and future generations by continued operation as a working ranch under a unique management regime which would protect the land and resource values of the property and surrounding ecosystem while allowing and providing for the ranch to eventually become financially self-sustaining;

(9) the current owners have indicated that they wish to sell the Baca ranch, creating an opportunity for Federal acquisition and public access and enjoyment of these lands;

(10) certain features on the Baca ranch have historical and religious significance to Native Americans which can be preserved and protected through Federal acquisition of the property;

(11) the unique nature of the Valles Caldera and the potential uses of its resources with different resulting impacts warrants a management regime uniquely capable of developing an operational program for appropriate preservation and development of the land and resources of the Baca ranch in the interest of the public;

(12) an experimental management regime should be provided by the establishment of a Trust capable of using new methods of public land management that may prove to be cost-effective and environmentally sensitive; and

(13) the Secretary may promote more efficient management of the Valles Caldera and the watershed of the Santa Clara Creek through the assignment of purchase rights of such watershed to the Pueblo of Santa Clara.

(b) PURPOSES.—The purposes of this title are—

(1) to authorize Federal acquisition of the Baca ranch;

(2) to protect and preserve for future generations the scientific, scenic, historic, and natural values of the Baca ranch, including rivers and ecosystems and archaeological, geological, and cultural resources;

(3) to provide opportunities for public recreation;

(4) to establish a demonstration area for an experimental management regime adapted to this unique property which incorporates elements of public and private administration in order to promote long term financial sustainability consistent with the other purposes enumerated in this subsection; and

(5) to provide for sustained yield management of Baca ranch for timber production and domesticated livestock grazing insofar as is consistent with the other purposes stated herein.

SEC. 103. DEFINITIONS.

In this title:

(1) BACA RANCH.—The term ''Baca ranch'' means the lands and facilities described in this section 104(a).

(2) BOARD OF TRUSTEES.—The terms ''Board of Trustees'' and ''Board'' mean the Board of Trustees as describe in section 107.

(3) COMMITTEES OF CONGRESS.—The term ''Committees of Congress'' means the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives.

(4) FINANCIALLY SELF-SUSTAINING.—The term ''financially self-sustaining'' means management and operating expenditures equal to or less than proceeds derived from fees and other receipts for resource use and development and interest on invested funds. Management and operating expenditures shall include Trustee expenses, salaries and benefits of staff, administrative and operating expenses, improvements to and maintenance of lands and facilities of the Preserve, and other similar expenses. Funds appropriated to the Trust by Congress, either directly or through the Secretary, for the purposes of this title shall not be considered.

(5) MULTIPLE USE AND SUSTAINED YIELD.—The term ''multiple use and sustained yield'' has the combined meaning of the terms ''multiple use'' and ''sustained yield of the several products and services'', as defined under the Multiple-Use Sustained-Yield Act of 1960 (16 U.S.C. 531).

(6) PRESERVE.—The term ''Preserve'' means the Valles Caldera National Preserve established under section 105.

(7) SECRETARY.—Except where otherwise provided, the term ''Secretary'' means the Secretary of Agriculture.

(8) TRUST.—The term ''Trust'' means the Valles Caldera Trust established under section 106.

SEC. 104. ACQUISITION OF LANDS.

(a) ACQUISITION OF BACA RANCH.—

(1) IN GENERAL.—In compliance with the Act of June 15, 1926 (16 U.S.C. 471a), the Secretary is authorized to acquire all or part of the rights, title, and interests in and to approximately 94,761 acres of the Baca ranch, comprising the lands, facilities, and structures referred to as the Baca Location No. 1, and generally depicted on a plat entitled ''Independent Resurvey of the Baca Location No. 1'', made by L.A. Osterhoudt, W.V. Hall, and Charles W. Devendorf, U.S. Cadastral Engineers, June 30, 1920–August 24, 1921, under special instructions for Group No. 107 dated February 12, 1920, in New Mexico.

(2) SOURCE OF FUNDS.—The acquisition under paragraph (1) may be made by purchase through appropriated or donated funds, by exchange, by contribution, or by donation of land. Funds appropriated to the Secretary from the Land and Water Conservation Fund shall be available for this purpose.

(3) BASIS OF SALE.—The acquisition under paragraph (1) shall be based on an appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions and—

(A) in the case of purchase, such purchase shall be on a willing seller basis for no more than the fair market value of the land or interests therein acquired; and

(B) in the case of exchange, such exchange shall be for lands, or interests therein, of equal value, in conformity with the existing exchange authorities of the Secretary.

(4) DEED.—The conveyance of the offered lands to the United States under this subsection shall be by general warranty or other deed acceptable to the Secretary and in conformity with applicable title standards of the Attorney General.

(b) ADDITION OF LAND TO BANDELIER NATIONAL MONUMENT.—Upon acquisition of the Baca ranch under subsection (a), the Secretary of the Interior shall assume administrative jurisdiction over those lands within the boundaries of the Bandelier National Monument as modified under section 3 of Public Law 105–376 (112 Stat. 3389).

(c) PLAT AND MAPS.—

(1) PLAT AND MAPS PREVAIL.—In case of any conflict between a plat or a map and acreages, the plat or map shall prevail.

(2) MINOR CORRECTIONS.—The Secretary and the Secretary of the Interior may make minor corrections in the boundaries of the Upper Alamo watershed as depicted on the map referred to in section 3 of Public Law 105–376 (112 Stat. 3389).

(3) BOUNDARY MODIFICATION.—Upon the conveyance of any lands to any entity other than the Secretary, the boundary of the Preserve shall be modified to exclude such lands.

(4) FINAL MAPS.—Within 180 days of the date of acquisition of the Baca ranch under subsection (a), the Secretary and the Secretary of the Interior shall submit to the Committees of Congress a final map of the Preserve and a final map of Bandelier National Monument, respectively.

(5) PUBLIC AVAILABILITY.—The plat and maps referred to in the subsection shall be kept and made available for public inspection in the offices of the Chief, Forest Service, and Director, National Park Service, in Washington, D.C., and Supervisor, Santa Fe National Forest, and Superintendent, Bandelier National Monument, in the State of New Mexico.

(d) WATERSHED MANAGEMENT REPORT.—The Secretary, acting through the Forest Service, in cooperation with the Secretary of the Interior, acting through the National Park Service, shall—

(1) prepare a report of management alternatives which may—

(A) provide more coordinated land management within the area known as the upper watersheds of Alamo, Capulin, Medio, and Sanchez Canyons, including the areas known as the Dome Diversity Unit and the Dome Wilderness;

(B) allow for improved management of elk and other wildlife populations ranging between the Santa Fe National Forest and the Bandelier National Monument; and

(C) include proposed boundary adjustments between the Santa Fe National Forest and the Bandelier National Monument to facilitate the objectives under subparagraphs (A) and (B); and

(2) submit the report to the Committees of Congress within 120 days of the date of enactment of this title.

(e) OUTSTANDING MINERAL INTERESTS.—The acquisition of the Baca ranch by the Secretary shall be subject to all outstanding valid existing mineral interests. The Secretary is authorized and directed to negotiate with the owners of any fractional interest in the subsurface estate for the acquisition of such fractional interest on a willing seller basis for not to exceed its fair market value, as determined by appraisal done in conformity with the Uniform Appraisal Standards for Federal Land Acquisitions. Any such interests acquired within the boundaries of the Upper Alamo watershed, as referred to in subsection (b), shall be administered by the Secretary of the Interior as part of Bandelier National Monument.

(f) BOUNDARIES OF THE BACA RANCH.—For purposes of section 7 of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601–9), the boundaries of the Baca ranch shall be treated as if they were National Forest boundaries existing as of January 1, 1965.

(g) PUEBLO OF SANTA CLARA.—

(1) IN GENERAL.—The Secretary may assign to the Pueblo of Santa Clara rights to acquire for fair market value portions of the Baca ranch. The portion that may be assigned shall be determined by mutual agreement between the Pueblo and the Secretary based on optimal management considerations for the Preserve including manageable land line locations, public access, and retention of scenic and natural values. All appraisals shall be done in conformity with the Uniform Appraisal Standards for Federal Land Acquisition.

(2) STATUS OF LAND ACQUIRED.—As of the date of acquisition, the fee title lands, and any mineral estate underlying such lands, acquired under this subsection by the Pueblo of Santa Clara are deemed transferred into trust in the name of the United States for the benefit of the Pueblo of Santa Clara and such lands and mineral estate are declared to be part of the existing Santa Clara Indian Reservation.

(3) MINERAL ESTATE.—Any mineral estate acquired by the United States pursuant to section 104(e) underlying fee title lands acquired by the Pueblo of Santa Clara shall not be developed without the consent of the Secretary of the Interior and the Pueblo of Santa Clara.

(4) SAVINGS.—Any reservations, easements, and covenants contained in an assignment agreement entered into under paragraph (1) shall not be affected by the acquisition of the Baca ranch by the United States, the assumption of management by the Valles Caldera Trust, or the lands acquired by the Pueblo being taken into trust.

SEC. 105. THE VALLES CALDERA NATIONAL PRESERVE.

(a) ESTABLISHMENT.—Upon the date of acquisition of the Baca ranch under section 104(a), there is hereby established the Valles Caldera National Preserve as a unit of the National Forest System which shall include all Federal lands and interests in land acquired under sections 104(a) and 104(e), except those lands and interests in land administered or held in trust by the Secretary of the Interior under sections 104(b) and 104(g), and shall be managed in accordance with the purposes and requirements of this title.

(b) PURPOSES.—The purposes for which the Preserve is established are to protect and preserve the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural, and recreational values of the Preserve, and to provide for multiple use and sustained yield of renewable resources within the Preserve, consistent with this title.

(c) MANAGEMENT AUTHORITY.—Except for the powers of the Secretary enumerated in this title, the Preserve shall be managed by the Valles Caldera Trust established by section 106.

(d) ELIGIBILITY FOR PAYMENT IN LIEU OF TAXES.—Lands acquired by the United States under section 104(a) shall constitute entitlement lands for purposes of the Payment in Lieu of Taxes Act (31 U.S.C. 6901–6904).

(e) WITHDRAWALS.—

(1) IN GENERAL.—Upon acquisition of all interests in minerals within the boundaries of the Baca ranch under section 104(e), subject to valid existing rights, the lands comprising the Preserve are thereby withdrawn from disposition under all laws pertaining to mineral leasing, including geothermal leasing.

(2) MATERIALS FOR ROADS AND FACILITIES.—Nothing in this title shall preclude the Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, from allowing the utilization of common varieties of mineral materials such

as sand, stone, and gravel as necessary for construction and maintenance of roads and facilities within the Preserve.

(f) FISH AND GAME.—Nothing in this title shall be construed as affecting the responsibilities of the State of New Mexico with respect to fish and wildlife, including the regulation of hunting, fishing, and trapping within the Preserve, except that the Trust may, in consultation with the Secretary and the State of New Mexico, designate zones where and establish periods when no hunting, fishing, or trapping shall be permitted for reasons of public safety, administration, the protection of nongame species and their habitats, or public use and enjoyment.

(g) REDONDO PEAK.—

(1) IN GENERAL.—For the purposes of preserving the natural, cultural, religious, and historic resources on Redondo Peak upon acquisition of the Baca ranch under section 104(a), except as provided in paragraph (2), within the area of Redondo Peak above 10,000 feet in elevation—

(A) no roads, structures, or facilities shall be constructed; and

(B) no motorized access shall be allowed.

(2) EXCEPTIONS.—Nothing in this subsection shall preclude—

(A) the use and maintenance of roads and trails existing as of the date of enactment of this Act;

(B) the construction, use and maintenance of new trails, and the relocation of existing roads, if located to avoid Native American religious and cultural sites; and

(C) motorized access necessary to administer the area by the Trust (including measures required in emergencies involving the health or safety of persons within the area).

SEC. 106. THE VALLES CALDERA TRUST.

(a) ESTABLISHMENT.—There is hereby established a wholly owned government corporation known as the Valles Caldera Trust which is empowered to conduct business in the State of New Mexico and elsewhere in the United States in furtherance of its corporate purposes.

(b) CORPORATE PURPOSES.—The purposes of the Trust are—

(1) to provide management and administrative services for the Preserve;

(2) to establish and implement management policies which will best achieve the purposes and requirements of this title;

(3) to receive and collect funds from private and public sources and to make dispositions in support of the management and administration of the Preserve; and

(4) to cooperate with Federal, State, and local governmental units, and with Indian tribes and Pueblos, to further the purposes for which the Preserve was established.

(c) NECESSARY POWERS.—The Trust shall have all necessary and proper powers for the exercise of the authorities vested in it.

(d) STAFF.—

(1) IN GENERAL.—The Trust is authorized to appoint and fix the compensation and duties of an executive director and such other officers and employees as it deems necessary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may pay them without regard to the provisions of chapter 51, and subchapter III of chapter 53, title 5, United States Code, relating to classification and General Schedule pay rates. No employee of the Trust shall be paid at a rate in excess of that payable to the Supervisor of the Santa Fe National Forest or the Superintendent of the Bandelier National Monument, whichever is greater.

(2) FEDERAL EMPLOYEES.—

(A) IN GENERAL.—Except as provided in this title, employees of the Trust shall be Federal employees as defined by title 5, United States Code, and shall be subject to all rights and obligations applicable thereto.

(B) USE OF FEDERAL EMPLOYEES.—At the request of the Trust, the employees of any Federal agency may be provided for implementation of this title. Such employees detailed to the Trust for more than 30 days shall be provided on a reimbursable basis.

(e) GOVERNMENT CORPORATION.—

(1) IN GENERAL.—The Trust shall be a Government Corporation subject to chapter 91 of title 31, United States Code (commonly referred to as the Government Corporation Control Act). Financial statements of the Trust shall be audited annually in accordance with section 9105 of title 31 of the United States Code.

(2) REPORTS.—Not later than January 15 of each year, the Trust shall submit to the Secretary and the Committees of Congress a comprehensive and detailed report of its operations, activities, and accomplishments for the prior year including information on the status of ecological, cultural, and financial resources being managed by the Trust, and benefits provided by the Preserve to local communities. The report shall also include a section that describes the Trust's goals for the current year.

(3) ANNUAL BUDGET.—

(A) IN GENERAL.—The Trust shall prepare an annual budget with the goal of achieving a financially self-sustaining operation within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(B) BUDGET REQUEST.—The Secretary shall provide necessary assistance (including detailees as necessary) to the Trust for the timely formulation and submission of the annual budget request for appropriations, as authorized under section 111(a), to support the administration, operation, and maintenance of the Preserve.

(f) TAXES.—The Trust and all properties administered by the Trust shall be exempt from all taxes and special assessments of every kind by the State of New Mexico, and its political subdivisions including the counties of Sandoval and Rio Arriba.

(g) DONATIONS.—The Trust may solicit and accept donations of funds, property, supplies, or services from individuals, foundations, corporations, and other private or public entities for the purposes of carrying out its duties. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may accept donations from such entities notwithstanding that such donors may conduct business with the Department of Agriculture or any other department or agency of the United States.

(h) PROCEEDS.—

(1) IN GENERAL.—Notwithstanding sections 1341 and 3302 of title 31 of the United States Code, all monies received from donations under subsection (g) or from the management of the Preserve shall be retained and shall be available, without further appropriation, for the administration, preservation, restoration, operation and maintenance, improvement, repair, and related expenses incurred with respect to properties under its management jurisdiction.

(2) FUND.—There is hereby established in the Treasury of the United States a special interest bearing fund entitled ''Valles Caldera Fund'' which shall be available, without further appropriation for any purpose consistent with the purposes of this title. At the option of the Trust, or the Secretary in accordance with section 110, the Secretary of the Treasury shall invest excess monies of the Trust in such account, which shall bear interest at rates determined by the Secretary of the Treasury taking into consideration the current average market yield on outstanding marketable obligations of the United States of comparable maturity.

(i) RESTRICTIONS ON DISPOSITION OF RECEIPTS.—Any funds received by the Trust, or the Secretary in accordance with section 109(b), from the management of the Preserve shall not be subject to partial distribution to the State under—

(1) the Act of May 23, 1908, entitled ''an Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine'' (35 Stat. 260, chapter 192; 16 U.S.C. 500);

(2) section 13 of the Act of March 1, 1911 (36 Stat. 963, chapter 186; 16 U.S.C. 500); or

(3) any other law.

(j) SUITS.—The Trust may sue and be sued in its own name to the same extent as the Federal Government. For purposes of such suits, the residence of the Trust shall be the State of New Mexico. The Trust shall be represented by the Attorney General in any litigation arising out of the activities of the Trust, except that the Trust may retain private attorneys to provide advice and counsel.

(k) BYLAWS.—The Trust shall adopt necessary bylaws to govern its activities.

(l) INSURANCE AND BOND.—The Trust shall require that all holders of leases from, or parties in contract with, the Trust that are authorized to occupy, use, or develop properties under the management jurisdiction of the Trust, procure proper insurance against any loss in connection with such properties, or activities authorized in such lease or contract, as is reasonable and customary.

(m) NAME AND INSIGNIA.—The Trust shall have the sole and exclusive right to use the words ''Valles Caldera Trust'', and any seal, emblem, or other insignia adopted by the Board of Trustees. Without express written authority of the Trust, no person may use the words ''Valles Caldera Trust'' as the name under which that person shall do or purport to do business, for the purpose of trade, or by way of advertisement, or in any manner that may falsely suggest any connection with the Trust.

SEC. 107. BOARD OF TRUSTEES.

(a) IN GENERAL.—The Trust shall be governed by a 9-member Board of Trustees consisting of the following:

(1) VOTING TRUSTEES.—The voting Trustees shall be—

(A) the Supervisor of the Santa Fe National Forest, United States Forest Service;

(B) the Superintendent of the Bandelier National Monument, National Park Service; and

(C) 7 individuals, appointed by the President, in consultation with the congressional delegation from the State of New Mexico. The 7 individuals shall have specific expertise or represent an organization or government entity as follows—

(i) one trustee shall have expertise in aspects of domesticated livestock management, production, and marketing, including range management and livestock business management;

(ii) one trustee shall have expertise in the management of game and nongame wildlife and fish populations, including hunting, fishing, and other recreational activities;

(iii) one trustee shall have expertise in the sustainable management of forest lands for commodity and noncommodity purposes;

(iv) one trustee shall be active in a nonprofit conservation organization concerned with the activities of the Forest Service;

(v) one trustee shall have expertise in financial management, budget and program analysis, and small business operations;

(vi) one trustee shall have expertise in the cultural and natural history of the region; and

(vii) one trustee shall be active in State or local government in New Mexico, with expertise in the customs of the local area.

(2) QUALIFICATIONS.—Of the trustees appointed by the President—

(A) none shall be employees of the Federal Government; and

(B) at least five shall be residents of the State of New Mexico.

(b) INITIAL APPOINTMENTS.—The President shall make the initial appointments to the Board of Trustees within 90 days after acquisition of the Baca ranch under section 104(a).

(c) TERMS.—

(1) IN GENERAL.—Appointed trustees shall each serve a term of 4 years, except that of the trustees first appointed, 4 shall serve for a term of 4 years, and 3 shall serve for a term of 2 years.

(2) VACANCIES.—Any vacancy among the appointed trustees shall be filled in the same manner in which the original appointment was made, and any trustee appointed to fill a vacancy shall serve for the remainder of that term for which his or her predecessor was appointed.

(3) LIMITATIONS.—No appointed trustee may serve more than 8 years in consecutive terms.

(d) QUORUM.—A majority of trustees shall constitute a quorum of the Board for the conduct of business.

(e) ORGANIZATION AND COMPENSATION.—

(1) IN GENERAL.—The Board shall organize itself in such a manner as it deems most appropriate to effectively carry out the activities of the Trust.

(2) COMPENSATION OF TRUSTEES.—Trustees shall serve without pay, but may be reimbursed from the funds of the Trust for the actual and necessary travel and subsistence expenses incurred by them in the performance of their duties.

(3) CHAIR.—Trustees shall select a chair from the membership of the Board.

(f) LIABILITY OF TRUSTEES.—Appointed trustees shall not be considered Federal employees by virtue of their membership on the Board, except for purposes of the Federal Tort Claims Act, the Ethics in Government Act, and the provisions of chapter 11 of title 18, United States Code.

(g) MEETINGS.—

(1) LOCATION AND TIMING OF MEETINGS.—The Board shall meet in sessions open to the public at least three times per year in New Mexico. Upon a majority vote made in open session, and a public statement of the reasons therefore, the Board may close any other meetings to the public: *Provided*, That any final decision of the Board to adopt or amend the comprehensive management program under section 108(d) or to approve any activity related to the management of the land or resources of the Preserve shall be made in open public session.

(2) PUBLIC INFORMATION.—In addition to other requirements of applicable law, the Board shall establish procedures for providing appropriate public information and periodic opportunities for public comment regarding the management of the Preserve.

SEC. 108. RESOURCE MANAGEMENT.

(a) ASSUMPTION OF MANAGEMENT.—The Trust shall assume all authority provided by this title to manage the Preserve upon a determination by the Secretary, which to the maximum extent practicable shall be made within 60 days after the appointment of the Board, that—

(1) the Board is duly appointed, and able to conduct business; and

(2) provision has been made for essential management services.

(b) MANAGEMENT RESPONSIBILITIES.—Upon assumption of management of the Preserve under subsection (a), the Trust shall manage the land and resources of the Preserve and the use thereof including, but not limited to such activities as—

(1) administration of the operations of the Preserve;

(2) preservation and development of the land and resources of the Preserve;

(3) interpretation of the Preserve and its history for the public;

(4) management of public use and occupancy of the Preserve; and

(5) maintenance, rehabilitation, repair, and improvement of property within the Preserve.

(c) AUTHORITIES.—

(1) IN GENERAL.—The Trust shall develop programs and activities at the Preserve, and shall have the authority to negotiate directly and enter into such agreements, leases, contracts and other arrangements with any person, firm, association, organization, corporation or governmental entity, including without limitation, entities of Federal, State, and local governments, and consultation with Indian tribes and pueblos, as are necessary and appropriate to carry out its authorized activities or fulfill the purposes of this title. Any such agreements may be entered into without regard to section 321 of the Act of June 30, 1932 (40 U.S.C. 303b).

(2) PROCEDURES.—The Trust shall establish procedures for entering into lease agreements and other agreements for the use and occupancy of facilities of the Preserve. The procedures shall ensure reasonable competition, and set guidelines for determining reasonable fees, terms, and conditions for such agreements.

(3) LIMITATIONS.—The Trust may not dispose of any real property in, or convey any water rights appurtenant to the Preserve. The Trust may not convey any easement, or enter into any contract, lease, or other agreement related to use and occupancy of property within the Preserve for a period greater than 10 years. Any such easement, contract, lease, or other agreement shall provide that, upon termination of the Trust, such easement, contract, lease or agreement is terminated.

(4) APPLICATION OF PROCUREMENT LAWS.—

(A) IN GENERAL.—Notwithstanding any other provision of law, Federal laws and regulations governing procurement by Federal agencies shall not apply to the Trust, with the exception of laws and regulations related to Federal Government contracts governing health and safety requirements, wage rates, and civil rights.

(B) PROCEDURES.—The Trust, in consultation with the Administrator of Federal Procurement Policy, Office of Management and Budget, shall establish and adopt procedures applicable to the Trust's procurement of goods and services, including the award of contracts on the basis of contractor qualifications, price, commercially reasonable buying practices, and reasonable competition.

(d) MANAGEMENT PROGRAM.—Within two years after assumption of management responsibilities for the Preserve, the Trust shall, in accordance with subsection (f), develop a comprehensive program for the management of lands, resources, and facilities within the Preserve to carry out the purposes under section 105(b). To the extent consistent with such purposes, such program shall provide for—

(1) operation of the Preserve as a working ranch, consistent with paragraphs (2) through (4);

(2) the protection and preservation of the scientific, scenic, geologic, watershed, fish, wildlife, historic, cultural and recreational values of the Preserve;

(3) multiple use and sustained yield of renewable resources within the Preserve;

(4) public use of and access to the Preserve for recreation;

(5) renewable resource utilization and management alternatives that, to the extent practicable—

(A) benefit local communities and small businesses;

(B) enhance coordination of management objectives with those on surrounding National Forest System land; and

(C) provide cost savings to the Trust through the exchange of services, including but not limited to labor and maintenance of facilities, for resources or services provided by the Trust; and

(6) optimizing the generation of income based on existing market conditions, to the extent that it does not unreasonably diminish the long-term scenic and natural values of the area, or the multiple use and sustained yield capability of the land.

(e) PUBLIC USE AND RECREATION.—

(1) IN GENERAL.—The Trust shall give thorough consideration to the provision of appropriate opportunities for public use and recreation that are consistent with the other purposes under section 105(b). The Trust is expressly authorized to construct and upgrade roads and bridges, and provide other facilities for activities including, but not limited to camping and picnicking, hiking, and cross country skiing. Roads, trails, bridges, and recreational facilities constructed within the Preserve shall meet public safety standards applicable to units of the National Forest System and the State of New Mexico.

(2) FEES.—Notwithstanding any other provision of law, the Trust is authorized to assess reasonable fees for admission to, and the use and occupancy of, the Preserve: *Provided*, That admission fees and any fees assessed for recreational activities shall be implemented only after public notice and a period of not less than 60 days for public comment.

(3) PUBLIC ACCESS.—Upon the acquisition of the Baca ranch under section 104(a), and after an interim planning period of no more than two years, the public shall have reasonable access to the Preserve for recreation purposes. The Secretary, prior to assumption of management of the Preserve by the Trust, and the Trust thereafter, may reasonably limit the number and types of recreational admissions to the Preserve, or any part thereof, based on the capability of the land, resources, and facilities. The use of reservation or lottery systems is expressly authorized to implement this paragraph.

(f) APPLICABLE LAWS.—

(1) IN GENERAL.—The Trust, and the Secretary in accordance with section 109(b), shall administer the Preserve in conformity with this title and all laws pertaining to the National Forest System, except the Forest and Rangeland Renewable Resources Planning Act of 1974, as amended (16 U.S.C. 1600 et seq.).

(2) ENVIRONMENTAL LAWS.—The Trust shall be deemed a Federal agency for the purposes of compliance with Federal environmental laws.

(3) CRIMINAL LAWS.—All criminal laws relating to Federal property shall apply to the same extent as on adjacent units of the National Forest System.

(4) REPORTS ON APPLICABLE RULES AND REGULATIONS.—The Trust may submit to the Secretary and the Committees of Congress a compilation of applicable rules and regulations which in the view of the Trust are inappropriate, incompatible with this title, or unduly burdensome.

(5) CONSULTATION WITH TRIBES AND PUEBLOS.—The Trust is authorized and directed to cooperate and consult with Indian tribes and pueblos on management policies and practices for the Preserve which may affect them. The Trust is authorized to allow the use of lands within the Preserve for religious and cultural uses by Native Americans and,

in so doing, may set aside places and times of exclusive use consistent with the American Indian Religious Freedom Act (42 U.S.C. 1996 (note)) and other applicable statutes.

(6) NO ADMINISTRATIVE APPEAL.—The administrative appeals regulations of the Secretary shall not apply to activities of the Trust and decisions of the Board.

(g) LAW ENFORCEMENT AND FIRE MANAGEMENT.—The Secretary shall provide law enforcement services under a cooperative agreement with the Trust to the extent generally authorized in other units of the National Forest System. The Trust shall be deemed a Federal agency for purposes of the law enforcement authorities of the Secretary (within the meaning of section 15008 of the National Forest System Drug Control Act of 1986 (16 U.S.C. 559g)). At the request of the Trust, the Secretary may provide fire presuppression, fire suppression, and rehabilitation services: *Provided,* That the Trust shall reimburse the Secretary for salaries and expenses of fire management personnel, commensurate with services provided.

SEC. 109. AUTHORITIES OF THE SECRETARY.

(a) IN GENERAL.—Notwithstanding the assumption of management of the Preserve by the Trust, the Secretary is authorized to—

(1) issue any rights-of-way, as defined in the Federal Land Policy and Management Act of 1976, of over 10 years duration, in cooperation with the Trust, including, but not limited to, road and utility rights-of-way, and communication sites;

(2) issue orders under and enforce prohibitions generally applicable on other units of the National Forest System, in cooperation with the Trust;

(3) exercise the authorities of the Secretary under the Wild and Scenic Rivers Act (16 U.S.C. 1278, et seq.) and the Federal Power Act (16 U.S.C. 797, et seq.), in cooperation with the Trust;

(4) acquire the mineral rights referred to in section 104(e);

(5) provide law enforcement and fire management services under section 108(g);

(6) at the request of the Trust, exchange land or interests in land within the Preserve under laws generally applicable to other units of the National Forest System, or otherwise dispose of land or interests in land within the Preserve under Public Law 97–465 (16 U.S.C. 521c through 521i);

(7) in consultation with the Trust, refer civil and criminal cases pertaining to the Preserve to the Department of Justice for prosecution;

(8) retain title to and control over fossils and archaeological artifacts found within the Preserve;

(9) at the request of the Trust, construct and operate a visitors' center in or near the Preserve, subject to the availability of appropriated funds;

(10) conduct the assessment of the Trust's performance, and, if the Secretary determines it necessary, recommend to Congress the termination of the Trust, under section 110(b)(2); and

(11) conduct such other activities for which express authorization is provided to the Secretary by this title.

(b) INTERIM MANAGEMENT.—

(1) IN GENERAL.—The Secretary shall manage the Preserve in accordance with this title during the interim period from the date of acquisition of the Baca ranch under section 104(a) to the date of assumption of management of the Preserve by the Trust under section 108. The Secretary may enter into any agreement, lease, contract, or other arrangement on the same basis as the Trust under section 108(c)(1): *Provided,* That any agreement, lease, contract, or other arrangement entered into by the Secretary shall not exceed two years in duration unless expressly extended by the Trust upon its assumption of management of the Preserve.

(2) USE OF THE FUND.—All monies received by the Secretary from the management of the Preserve during the interim period under paragraph (1) shall be deposited into the ''Valles Caldera Fund'' established under section 106(h)(2), and such monies in the fund shall be available to the Secretary, without further appropriation, for the purpose of managing the Preserve in accordance with the responsibilities and authorities provided to the Trust under section 108.

(c) SECRETARIAL AUTHORITY.—The Secretary retains the authority to suspend any decision of the Board with respect to the management of the Preserve if he finds that the decision is clearly inconsistent with this title. Such authority shall only be exercised personally by the Secretary, and may not be delegated. Any exercise of this authority shall be in writing to the Board, and notification of the decision shall be given to the Committees of Congress. Any suspended decision shall be referred back to the Board for reconsideration.

(d) ACCESS.—The Secretary shall at all times have access to the Preserve for administrative purposes.

SEC. 110. TERMINATION OF THE TRUST.

(a) IN GENERAL.—The Valles Caldera Trust shall terminate at the end of the twentieth full fiscal year following acquisition of the Baca ranch under section 104(a).

(b) RECOMMENDATIONS.—

(1) BOARD.—

(A) If after the fourteenth full fiscal years from the date of acquisition of the Baca ranch under section 104(a), the Board believes the Trust has met the goals and objectives of the comprehensive management program under section 108(d), but has not become financially self-sustaining, the Board may submit to the Committees of Congress, a recommendation for authorization of appropriations beyond that provided under this title.

(B) During the eighteenth full fiscal year from the date of acquisition of the Baca ranch under section 104(a), the Board shall submit to the Secretary its recommendation that the Trust be either extended or terminated including the reasons for such recommendation.

(2) SECRETARY.—Within 120 days after receipt of the recommendation of the Board under paragraph (1)(B), the Secretary shall submit to the Committees of Congress the Board's recommendation on extension or termination along with the recommendation of the Secretary with respect to the same and stating the reasons for such recommendation.

(c) EFFECT OF TERMINATION.—In the event of termination of the Trust, the Secretary shall assume all management and administrative functions over the Preserve, and it shall thereafter be managed as a part of the Santa Fe National Forest, subject to all laws applicable to the National Forest System.

(d) ASSETS.—In the event of termination of the Trust, all assets of the Trust shall be used to satisfy any outstanding liabilities, and any funds remaining shall be transferred to the Secretary for use, without further appropriation, for the management of the Preserve.

(e) VALLES CALDERA FUND.—In the event of termination, the Secretary shall assume the powers of the Trust over funds under section 106(h), and the Valles Caldera Fund shall not terminate. Any balances remaining in the fund shall be available to the Secretary, without further appropriation, for any purpose consistent with the purposes of this title.

SEC. 111. LIMITATIONS ON FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is hereby authorized to be appropriated to the Secretary and the Trust such funds as are necessary for them to carry out the purposes of this title for each of the 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

(b) SCHEDULE OF APPROPRIATIONS.—Within two years after the first meeting of the Board, the Trust shall submit to Congress a plan which includes a schedule of annual decreasing appropriated funds that will achieve, at a minimum, the financially self-sustained operation of the Trust within 15 full fiscal years after the date of acquisition of the Baca ranch under section 104(a).

SEC. 112. GENERAL ACCOUNTING OFFICE STUDY.

(a) INITIAL STUDY.—Three years after the assumption of management by the Trust, the General Accounting Office shall conduct an interim study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall include, but shall not be limited to, details of programs and activities operated by the Trust and whether it met its obligations under this title.

(b) SECOND STUDY.—Seven years after the assumption of management by the Trust, the General Accounting Office shall conduct a study of the activities of the Trust and shall report the results of the study to the Committees of Congress. The study shall provide an assessment of any failure to meet obligations that may be identified under subsection (a), and further evaluation on the ability of the Trust to meet its obligations under this title.

TITLE II—FEDERAL LAND TRANSACTION FACILITATION

SEC. 201. SHORT TITLE.

This title may be cited as the ''Federal Land Transaction Facilitation Act''.

SEC. 202. FINDINGS.

Congress finds that—

(1) the Bureau of Land Management has authority under the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) to sell land identified for disposal under its land use planning;

(2) the Bureau of Land Management has authority under that Act to exchange Federal land for non-Federal land if the exchange would be in the public interest;

(3) through land use planning under that Act, the Bureau of Land Management has identified certain tracts of public land for disposal;

(4) the Federal land management agencies of the Departments of the Interior and Agriculture have authority under existing law to acquire land consistent with the mission of each agency;

(5) the sale or exchange of land identified for disposal and the acquisition of certain non-Federal land from willing landowners would—

(A) allow for the reconfiguration of land ownership patterns to better facilitate resource management;

(B) contribute to administrative efficiency within Federal land management units; and

(C) allow for increased effectiveness of the allocation of fiscal and human resources within the Federal land management agencies;

(6) a more expeditious process for disposal and acquisition of land, established to facilitate a more effective configuration of land ownership patterns, would benefit the public interest;

(7) many private individuals own land within the boundaries of Federal land management units and desire to sell the land to the Federal Government;

(8) such land lies within national parks, national monuments, national wildlife refuges, national forests, and other areas designated for special management;

(9) Federal land management agencies are facing increased workloads from rapidly growing public demand for the use of public land, making it difficult for Federal managers to address problems created by the existence of inholdings in many areas;

(10) in many cases, inholders and the Federal Government would mutually benefit from Federal acquisition of the land on a priority basis;

(11) proceeds generated from the disposal of public land may be properly dedicated to the acquisition of inholdings and other land that will improve the resource management ability of the Federal land management agencies and adjoining landowners;

(12) using proceeds generated from the disposal of public land to purchase inholdings and other such land from willing sellers would enhance the ability of the Federal land management agencies to—

(A) work cooperatively with private landowners and State and local governments; and

(B) promote consolidation of the ownership of public and private land in a manner that would allow for better overall resource management;

(13) in certain locations, the sale of public land that has been identified for disposal is the best way for the public to receive fair market value for the land; and

(14) to allow for the least disruption of existing land and resource management programs, the Bureau of Land Management may use non-Federal entities to prepare appraisal documents for agency review and approval consistent with applicable provisions of the Uniform Standards for Federal Land Acquisition.

SEC. 203. DEFINITIONS.

In this title:

(1) EXCEPTIONAL RESOURCE.—The term ''exceptional resource'' means a resource of scientific, natural, historic, cultural, or recreational value that has been documented by a Federal, State, or local governmental authority, and for which there is a compelling need for conservation and protection under the jurisdiction of a Federal agency in order to maintain the resource for the benefit of the public.

(2) FEDERALLY DESIGNATED AREA.—The term ''federally designated area'' means land in Alaska and the eleven contiguous Western States (as defined in section 103(o) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(o))) that on the date of enactment of this Act was within the boundary of—

(A) a national monument, area of critical environmental concern, national conservation area, national riparian conservation area, national recreation area, national scenic area, research natural area, national outstanding natural area, or a national natural landmark managed by the Bureau of Land Management;

(B) a unit of the National Park System;

(C) a unit of the National Wildlife Refuge System;

(D) an area of the National Forest System designated for special management by an Act of Congress; or

(E) an area within which the Secretary or the Secretary of Agriculture is otherwise authorized by law to acquire lands or interests therein that is designated as—

(i) wilderness under the Wilderness Act (16 U.S.C. 1131 et seq.);

(ii) a wilderness study area;

(iii) a component of the Wild and Scenic Rivers System under the Wild and Scenic Rivers Act (16 U.S.C. 1271 et seq.); or

(iv) a component of the National Trails System under the National Trails System Act (16 U.S.C. 1241 et seq.).

(3) INHOLDING.—The term ''inholding'' means any right, title, or interest, held by a non-Federal entity, in or to a tract of land that lies within the boundary of a federally designated area.

(4) PUBLIC LAND.—The term ''public land'' means public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

SEC. 204. IDENTIFICATION OF INHOLDINGS.

(a) IN GENERAL.—The Secretary and the Secretary of Agriculture shall establish a procedure to—

(1) identify, by State, inholdings for which the landowner has indicated a desire to sell the land or interest therein to the United States; and

(2) prioritize the acquisition of inholdings in accordance with section 206(c)(3).

(b) PUBLIC NOTICE.—As soon as practicable after the date of enactment of this title and periodically thereafter, the Secretary and the Secretary of Agriculture shall provide public notice of the procedures referred to in subsection (a), including any information necessary for the consideration of an inholding under section 206. Such notice shall include publication in the Federal Register and by such other means as the Secretary and the Secretary of Agriculture determine to be appropriate.

(c) IDENTIFICATION.—An inholding—

(1) shall be considered for identification under this section only if the Secretary or the Secretary of Agriculture receive notification of a desire to sell from the landowner in response to public notice given under subsection (b); and

(2) shall be deemed to have been established as of the later of—

(A) the earlier of—

(i) the date on which the land was withdrawn from the public domain; or

(ii) the date on which the land was established or designated for special management; or

(B) the date on which the inholding was acquired by the current owner.

(d) NO OBLIGATION TO CONVEY OR ACQUIRE.—The identification of an inholding under this section creates no obligation on the part of a landowner to convey the inholding or any obligation on the part of the United States to acquire the inholding.

SEC. 205. DISPOSAL OF PUBLIC LAND.

(a) IN GENERAL.—The Secretary shall establish a program, using funds made available under section 206, to complete appraisals and satisfy other legal requirements for the sale or exchange of public land identified for disposal under approved land use plans (as in effect on the date of enactment of this Act) under section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712).

(b) SALE OF PUBLIC LAND.—

(1) IN GENERAL.—The sale of public land so identified shall be conducted in accordance with sections 203 and 209 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713, 1719).

(2) EXCEPTIONS TO COMPETITIVE BIDDING REQUIREMENTS.—The exceptions to competitive bidding requirements under section 203(f) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713(f)) shall apply to this section in cases in which the Secretary determines it to be necessary.

(c) REPORT IN PUBLIC LAND STATISTICS.—The Secretary shall provide in the annual publication of Public Land Statistics, a report of activities under this section.

(d) TERMINATION OF AUTHORITY.—The authority provided under this section shall terminate 10 years after the date of enactment of this Act.

SEC. 206. FEDERAL LAND DISPOSAL ACCOUNT.

(a) DEPOSIT OF PROCEEDS.—Notwithstanding any other law (except a law that specifically provides for a proportion of the proceeds to be distributed to any trust funds of any States), the gross proceeds of the sale or exchange of public land under this Act shall be deposited in a separate account in the Treasury of the United States to be known as the ''Federal Land Disposal Account''.

(b) AVAILABILITY.—Amounts in the Federal Land Disposal Account shall be available to the Secretary and the Secretary of Agriculture, without further Act of appropriation, to carry out this title.

(c) USE OF THE FEDERAL LAND DISPOSAL ACCOUNT.—

(1) IN GENERAL.—Funds in the Federal Land Disposal Account shall be expended in accordance with this subsection.

(2) FUND ALLOCATION.—

(A) PURCHASE OF LAND.—Except as authorized under subparagraph (C), funds shall be used to purchase lands or interests therein that are otherwise authorized by law to be acquired, and that are—

(i) inholdings; and

(ii) adjacent to federally designated areas and contain exceptional resources.

(B) INHOLDINGS.—Not less than 80 percent of the funds allocated for the purchase of land within each State shall be used to acquire inholdings identified under section 204.

(C) ADMINISTRATIVE AND OTHER EXPENSES.—An amount not to exceed 20 percent of the funds deposited in the Federal Land Disposal Account may be used by the Secretary for administrative and other expenses necessary to carry out the land disposal program under section 205.

(D) SAME STATE PURCHASES.—Of the amounts not used under subparagraph (C), not less than 80 percent shall be expended within the State in which the funds were generated. Any remaining funds may be expended in any other State.

(3) PRIORITY.—The Secretary and the Secretary of Agriculture shall develop a procedure for prioritizing the acquisition of inholdings and non-Federal lands with exceptional resources as provided in paragraph (2). Such procedure shall consider—

(A) the date the inholding was established (as provided in section 204(c));

(B) the extent to which acquisition of the land or interest therein will facilitate management efficiency; and

(C) such other criteria as the Secretary and the Secretary of Agriculture deem appropriate.

(4) BASIS OF SALE.—Any land acquired under this section shall be—

(A) from a willing seller;

(B) contingent on the conveyance of title acceptable to the Secretary, or the Secretary of Agriculture in the case of an acquisition of National Forest System land, using title standards of the Attorney General;

(C) at a price not to exceed fair market value consistent with applicable provisions of the Uniform Appraisal Standards for Federal Land Acquisitions; and

(D) managed as part of the unit within which it is contained.

(d) CONTAMINATED SITES AND SITES DIFFICULT AND UNECONOMIC TO MANAGE.—Funds in the Federal Land Disposal Account shall not be used to purchase land or an interest in land that, as determined by the Secretary or the Secretary of Agriculture—

(1) contains a hazardous substances or is otherwise contaminated; or

(2) because of the location or other characteristics of the land, would be difficult or uneconomic to manage as Federal land.

(e) LAND AND WATER CONSERVATION FUND ACT.—Funds made available under this section shall be supplemental to any funds appropriated under the Land and Water Conservation Fund Act (16 U.S.C. 460l–4 et seq.).

(f) TERMINATION.—On termination of activities under section 205—

(1) the Federal Land Disposal Account shall be terminated; and

(2) any remaining balance in the account shall become available for appropriation under section 3 of the Land and Water Conservation Fund Act (16 U.S.C. 460l–6).

SEC. 207. SPECIAL PROVISIONS.

(a) IN GENERAL.—Nothing in this title provides an exemption from any limitation on the acquisition of land or interest in land under any Federal Law in effect on the date of enactment of this Act.

(b) OTHER LAW.—This title shall not apply to land eligible for sale under—

(1) Public Law 96–568 (commonly known as the ''Santini-Burton Act'') (94 Stat. 3381); or

(2) the Southern Nevada Public Land Management Act of 1998 (112 Stat. 2343).

(c) EXCHANGES.—Nothing in this title precludes, preempts, or limits the authority to exchange land under authorities providing for the exchange of Federal lands, including but not limited to—

(1) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); or

(2) the Federal Land Exchange Facilitation Act of 1988 (102 Stat. 1086) or the amendments made by that Act.

(d) NO NEW RIGHT OR BENEFIT.—Nothing in this Act creates a right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its agencies, its officers, or any other person.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Utah (Mr. HANSEN) and the gentleman from New Mexico (Mr. UDALL) each will control 20 minutes.

The Chair recognizes the gentleman from Utah (Mr. HANSEN).

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

Mr. Speaker, S. 1892, sponsored by Senator DOMENICI, authorizes the acquisition of the Valles Caldera or better known as the Baca Ranch. The full committee held a hearing on the House version of the bill, H.R. 3288, sponsored by the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from New Mexico (Mr. UDALL) on May 1 of this year.

The gentlewoman from New Mexico (Mrs. WILSON) deserves the credit for getting this bill to the floor today. I would like to publicly thank her for her tireless efforts in working on this bill. I do not know anyone that has ever worked harder on a bill than the gentlewoman from New Mexico (Mrs. WILSON) has on this one.

The Baca Ranch is approximately 95,000 acres of land located within the Santa Fe National Forest of New Mexico. This land emanates from a Spanish land grant in 1821, and this actual property was deeded by Congress in 1860 and has been used primarily as a ranch for more than 100 years.

S. 1892 mandates the acquisition of the Baca Ranch with funds that were appropriated last year. S. 1892 sets up a unique opportunity for the Federal Government to acquire this ranch, but does it through a trust agreement that will allow these lands to continue to be managed as they have been for decades.

The bill establishes the Valles Caldera National Preserve, which will be managed by a trust established within the legislation. The Preserve is designed to operate as a government corporation and is expected to be self-sustaining within 15 years. This type of trust arrangement was first implemented at the Presidio in San Francisco. The Baca Ranch is yet another great opportunity to take a piece of unique land and manage it in a way that maintains its historic uses and stresses self-sufficiency.

Title II of the bill authorizes the BLM to sell parcels of Federal land that are identified for disposal with the proceeds staying within the agency to acquire in holdings within Federal designated areas among all of the land management agencies. This provision will streamline Federal land sales and exchanges. This will be an important management tool for our Federal land managers to dispose of unneeded lands and acquire in holdings.

Once again, I would like to thank my colleagues for getting this bill to the floor of the House today. I urge my colleagues to support this important legislation that has the approval of the New Mexico delegation and of the President of the United States.

Mr. Speaker, I submit the following communication for the RECORD.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 11, 2000.

Hon. DON YOUNG,
Chairman, Committee on Resources, Washington, DC.

DEAR DON: I am writing with regard to S. 1892, the Valles Caldera Preservation Act. As you know, Rule X of the Rules of the House of Representatives grants the Committee on Commerce jurisdiction over the generation and marketing of power. As you are aware, section 109(a)(3) of the bill clarifies that the Secretary of Agriculture may continue to exercise his authority to impose mandatory conditions on the issuance of certain hydropower licenses issued by the Federal Energy Regulatory Commission in ''cooperation'' with the Valles Caldera Trust.

Because of the importance of this legislation, and your commitment to include report language that clarifies that this paragraph does not alter the authority or responsibilities of the Secretary under the Federal Power Act, I will not exercise the Committee's right to a sequential referral. By agreeing to waive its consideration of the bill, however, the Committee on Commerce does not waive its jurisdiction over S. 1892. In addition, the Commerce Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this legislation. I ask for your commitment to support any request by the Commerce Committee for conferees on S. 1892 or similar legislation.

I request that you include this letter and your response as part of the RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Sincerely,

TOM BLILEY,
Chairman.

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

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

(Mr. UDALL of New Mexico asked and was given permission to revise and extend his remarks.)

Mr. UDALL of New Mexico. Mr. Speaker, the Valles Caldera Preservation Act will secure the Baca Ranch for the people of our Nation. The stunning 95,000 acre Baca Ranch sits in the heart of my congressional district. The vast landscape includes over 25 miles of streams, mountain peaks as high as 11,000 feet, and the Valles Caldera, a 15-mile-wide remnant of an ancient volcano. This unique geological feature is well-known around the world and has been seen by astronauts from space.

Other open lands that surround the Valles Caldera include the Santa Fe National Force, Bandelier National Monument and the Jemez National Recreation Area. The Baca Ranch is home to teaming amounts of wildlife, including New Mexico's largest wild elk herd, mule deer, mountain lions and rainbow and brown trout.

The land also has unique historic value as part of the land grant heritage of northern New Mexico. The Baca Ranch grew out of land granted to Don Luis Maria Cabeza de Vaca in 1841. Over the years, the vast resources of the Baca Ranch have benefited the people of New Mexico. Historically and in modern times, the forests have been harvested and cattle have grazed on the lush grasslands.

The potential public uses of the Baca Ranch land are remarkable. As wild as the land is, it is close to the communities of Santa Fe and Albuquerque, making it easily accessible to the public. Recreational opportunities including fishing, hunting, hiking, camping, and cross-country skiing abound on the Baca.

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A key aspect of the Baca Ranch bill is that it will continue to be a working ranch. Following the Dunnigan family's example of responsible stewardship, I am both hopeful and confident that the ranch will be managed so it supports both traditional livestock activities and wildlife. Public ownership of the Baca means that traditional to Mexican families will have the same opportunities to join others that are able to enjoy the land.

One issue of concern to me has been the accessibility of the Baca Ranch to the general public for hunting and fishing. I raised this issue earlier in the Committee on Resources. I did not offer an amendment because I wished to work with the administration and other Members in resolving this issue. In my discussions with the administration, I have now been assured that fairness and equity will apply to those

wishing to use this beautiful ranch for recreational purposes, including hunting and fishing.

In a letter sent to me on May 25 of this year from George Frampton, acting chair of the Council on Environmental Quality, Mr. Frampton states, ''While efforts at income generation may include the charging of fees for hunting and other activities on the property, the Preserve will be a public asset. As such, any fees for activities in which the public is likely to participate should be reasonable and affordable. Restrictions on hunting that may be necessary due to resource limitations should be accomplished through reservation or lottery systems and not through the charging of excessive or exorbitant fees.''

Mr. Speaker, I include Mr. Frampton's letter for the RECORD.

EXECUTIVE OFFICE OF THE PRESIDENT, COUNCIL ON ENVIRONMENTAL QUALITY,

Washington, DC, May 25, 2000.

Representative TOM UDALL,

United States House of Representatives, Washington, DC.

DEAR REPRESENTATIVE UDALL: This is to confirm our telephone conversation regarding the Valles Caldera property in your District. Due in part to your hard work, the Forest Service is closer than it has ever been to acquiring this property and assuring its preservation for future generations, although it does not yet have the authority to finalize this acquisition. As you know, authorizing legislation is required before the transaction can take place. Such legislation, which the Administration supports, has passed the Senate and was considered by the House Resources Committee yesterday. This legislation provides for management of the property by a board of trustees, and establishes requirements and guidance for the Trust in this regard.

You have asked about the Administration's understanding of the intent of this legislation with respect to fees for hunting that may be permitted on the property. It is our understanding that the foremost responsibility of the Trust managers of this property should it come into federal ownership will be protection and conservation of its natural, scientific and historic resources. Other management goals, including income generation, are to be pursued only to the extent that they are consistent with resource protection.

While efforts at income generation may include the charging of fees for hunting and other activities on the property, the Preserve will be a public asset. As such, any fees for activities in which the public is likely to participate should be reasonable and affordable. Restrictions on hunting that may be necessary due to resource limitations should be accomplished through reservation or lottery systems, and not through the charging of excessive or exorbitant fees.

I trust this information on the Administration's understanding of the legislation as currently drafted is useful. I look forward to working with you to protect this unique and wonderful part of your congressional district for future generations of New Mexicans and all Americans.

Sincerely,

GEORGE T. FRAMPTON, Jr.,
Acting Chair.

Mr. UDALL of New Mexico. Mr. Speaker, these assurances made by Mr. Frampton and the administration make me much more comfortable with the objectives of this historic piece of legislation. This bill is before us as the result of a bipartisan, bicameral effort to acquire the Baca for the American public, providing the present and future generations an invaluable gift.

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

Mr. HANSEN. Mr. Speaker, I yield such time as she may consume to the gentlewoman from New Mexico (Mrs. WILSON), the sponsor of this legislation.

Mrs. WILSON. Mr. Speaker, I rise today to support the passage of S. 1872 which will purchase the Baca Ranch for the people of New Mexico and the people of this country.

The Baca includes an area known as the Valles Caldera in northern New Mexico. It is bordered by the Santa Fe National Forest and also the Bandelier National Monument. It is almost 95,000 acres of beautiful land that has been in private hands and conserved in private hands since 1860. But its geological significance is something that really makes it a national unique treasure.

Mr. Speaker, 1.6 million years ago, there were volcanoes in the area, and one of the most well-preserved ones is the Valles Caldera. It is 15 miles in diameter, and one can still see the rim of the volcano. That volcano was 600 times more powerful than Mount Saint Helens and the ash from that volcano is spread across the United States and can be found in Kansas and Texas and Oklahoma. That collapsed volcano is now perfectly preserved. It was never disturbed, and it is a wonderful geological treasure that should be preserved so that it can be studied.

In addition, on the 90,000 acres of the Baca, which has been very well conserved by the Dunnigan family that has owned it for so long, there are 17 threatened or endangered species that also have been protected. The appropriation for the bill has already been passed, $101 million in the fiscal year 2000 Interior Appropriations, but that money was subject to passing this authorization bill, and we need to move forward with it.

In 1999, Senator DOMENICI, Senator BINGAMAN, and the President of the United States agreed on a unique management plan for Baca that will be unlike most public lands and Federal lands in this country. The State of New Mexico is already owned one-third by the Federal Government.

This management plan that is included in the bill and identical to the House bill that I was the sponsor of has a unique approach. It sets up a special trust for the management of the Baca. It will not be just regular Federal land. That special trust is a government corporation and will be run by a board of trustees that includes nine members, five of whom must be New Mexicans. The land must be managed for the benefit and enjoyment of the people of the United States, but also should try to be self-sustaining. The management of that piece of land will not be under some Washington bureaucracy, but under a board of trustees given unique powers, and I think it serves as a real model for the management in the future of our Federal lands.

Title II of the bill is also unique. One of the great barriers to buying beautiful pieces of land like the Baca is that there is no money in the pot, because Federal agencies have not sold off surplus lands, lands that the agencies themselves say are surplus to any requirement that the Federal Government may have for them. So the money is not there to buy things like the Baca or Tres Tistoles in my district that I was able to secure funds for in 1998, or even the inholdings in places like the Petroglyph National Monument, also in my district, where there are private landowners completely surrounded by a national monument by Federal lands.

So this bill says that these Federal agencies should come up with a plan to sell off surplus lands, to replenish the pot so that we can buy beautiful pieces of property with national significance like the Baca. The money that is used from selling off those surplus lands will be used by the BLM and others to buy pieces of land like the Baca. Eighty percent of the funds that are obtained by land sales have to be used in the State where the land is sold so that there is benefit to the people of the State where the land is sold. The money can only be purchased for inholdings and surrounding lands from willing sellers at a fair market value.

Mr. Speaker, I think that this is a unique approach to the management of public lands, and it preserves a piece of property in northern New Mexico which is unique in this country. It is a beautiful place and is worthy of preservation, and I am very pleased that we have been able to work together to get this bill to the floor of the House. I particularly want to thank the gentleman from Utah (Mr. HANSEN) for his help and leadership for coming to New Mexico and seeing this beautiful piece of property and for helping to bring this bill to the floor.

Mr. UDALL of New Mexico. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN).

Mr. DUNCAN. Mr. Speaker, I thank the gentleman from Utah for yielding me this time.

I rise in opposition to this legislation to purchase the Baca Ranch in New Mexico. I know this bill is going to pass with an overwhelming majority and almost no opposition. In fact, I have not sent out ''Dear Colleagues'' or tried to stir up opposition in any way because the votes simply would not be there. I would say too that I believe that the gentlewoman from New Mexico (Mrs. WILSON) and the gentleman from New Mexico (Mr. UDALL) are simply doing what good Members from New Mexico should do.

However, I think this is a very bad deal for the taxpayers. In fact, this bill is strongly opposed by the Citizens Against Government Waste, the 600,000-member Citizens Against Government Waste. A portion of that letter says, ''According to the Congressional Research Service, that price,'' the price the owners of the Baca Ranch paid for ''when adjusted for inflation would be the equivalent of $11.7 million today. However, the legislation will force the taxpayers to pay nearly 10 times that amount, or 50 times the original purchase price, a whopping $101 million. This is a great deal if you are the seller of the property, but a horrible deal for taxpayers.

''This bill is not only extravagant, it is unnecessary.''

Those are the words of the Council for the Citizens Against Government Waste.

As noted in their letter, the family that owns this ranch bought it in 1961 for $2.1 million. Under this bill, the Federal Government is going to pay $101 million for this property, almost 50 times the original purchase price. I would bet that almost everyone in this Nation would love to sell their property for 50 times what they paid for it. This is a colossal rip-off of the taxpayers and, as noted in the Citizens Against Government Waste letter, the Congressional Research Service ran the numbers on this. According to the CRS, there has been 452 percent inflation since 1961, and when we adjust this price for inflation, this property should be worth $11.7 million. We definitely should not be paying $101 million for property that was bought for $2.1 million and today, adjusted for inflation, should be worth $11.7 million.

Mr. Speaker, this is welfare for the rich. It is a windfall for the wealthy. I watched a tape about this property. It is beautiful. However, as I noted in committee when this bill came up, the most over-used word in our committee in the Committee on Resources and in the Congress is ''pristine.'' We are constantly told that we have to buy this property or that property because it is beautiful or pristine. But if the Federal Government tried to buy every beautiful, pristine piece of property in this country, it would bankrupt our government and saddle our economy. Besides, as the gentlewoman from New Mexico just noted, the Federal Government already owns 37 percent of New Mexico, millions of acres. That should be more than enough. The Federal Government certainly does not need any more of New Mexico and has too much already.

Mr. Speaker, private property is one of the main foundations of our prosperity. It is one of the cornerstones of our freedom. Private property is one of the main things that has set us apart from socialist and Communist nations. Already, the Federal Government owns over 30 percent of the land in this Nation. State and local governments and quasi-governmental units own another 20 percent. Half of the land is in some type of public ownership. Yet what is alarming is the rapid rate at which government at all levels continues to take over more and more and more property.

Also, we keep putting more and more restrictions, limitations, rules, regulations and red tape on the land that does remain in private hands. If we keep doing away with private property, we are going to drive up the prices of homes and cause serious damage to our economy. We will hurt the poor and the working people and those of middle income the most.

We should not waste the taxpayers' money in this way. Mr. Speaker, $101 million for property bought for $2.1 million is more than 4,000 percent higher than what it should be or what we should have paid for it when adjusted for inflation. We should not take money from lower- and middle-income Americans to pay a rich family almost 50 times what they paid for their property.

Mr. Speaker, I will repeat again what the Citizens Against Government Waste said. Quote: ''This is a great deal if you are the seller of the property, but a horrible deal for taxpayers. This bill is not only extravagant, it is unnecessary.''

Mr. Speaker, at this time I will include for the RECORD the letter from Citizens Against Government Waste.

COUNCIL FOR CITIZENS
AGAINST GOVERNMENT WASTE,
Washington, DC, June 2, 2000.

Hon. JOHN DUNCAN,
Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE DUNCAN: On behalf of the 600,000 members of the Council for Citizens Against Government Waste (CCAGW), I would like to express my appreciation of your efforts to highlight the waste and abuse of taxpayer money in S. 1892, the Valles Caldera Preservation Act.

The Valles Caldera Preservation Act would authorize the purchase of the Baca Ranch in New Mexico. As you noted, the current owners purchased this property in 1961 for $2.1 million. According to the Congressional Research Service, that price, when adjusted for inflation, would be the equivalent of $11.7 million today. However, the legislation will force the taxpayers to pay nearly ten times that amount, or 50 times the original purchase price, a whopping $101 million dollars. This is a great deal if you are the seller of the property, but a horrible deal for taxpayers.

This bill is not only extravagant, it is unnecessary. The federal government currently owns more than 30 percent of all the land in the United States and cannot properly maintain those holdings. In 1998, the National Park Service estimated that it would cost $3.54 billion to repair maintenance problems at national parks, monuments and wilderness areas. Last year, the House Appropriations Committee estimated that there is a $15 billion backlog of maintenance.

CCAGW urges your House colleagues to support your efforts to stop this boondoggle. Any vote on the purchase of the Baca Ranch will be among those considered for CCAGW's 2000 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

Mr. DUNCAN. As I said, Mr. Speaker, I believe this is a tremendous rip-off of the taxpayers of this Nation, and I would urge and I hope that at least a few people vote against this bill. I know, as I say, it will pass by an overwhelming margin, but I will be requesting a vote on this bill.

Mr. UDALL of New Mexico. Mr. Speaker, I reserve the balance of my time.

Mr. HANSEN. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Mexico (Mrs. WILSON).

Mrs. WILSON. Mr. Speaker, I appreciate the comments of the gentleman on the cost of this ranch, and I understand his perspective; and I also appreciate his kind cooperation as we have gone through this process. I also understand the perspective of how much Federal land we do have in the State of New Mexico. There is really only one reason that I think this bill has such broad support and that is because of title II and the direction to sell off some of this surplus land and make sure there is money in the pot to buy things like the Baca.

I would like to, though, put one thing into the RECORD here on the value of this ranch. It was not just a number that came out of the air, and I think we need to be fair, that there was an appraisal of the ranch and that the Forest Service ordered a market study of that appraisal and found that the appraisal met the Federal standards and agreed to the price of that ranch.

☐ 1630

Now, there are appraisers who will come up with all kinds of different values of things based on different methodologies. This committee deals with those every day, different disagreements among qualified appraisers on the value of a piece of property.

I think back to what things cost in 1962. I was only 2 years old then, and I do not think a straight line inflation is probably the way we should judge the value of a piece of property. Appraisers do it in a slightly different way based on what the market conditions really are.

I think this is probably a good deal for the country as a whole and a fair price, and we should move forward with it.

Mr. UDALL of New Mexico. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GEORGE MILLER), ranking member on the Committee on Resources.

Mr. GEORGE MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me, and I want to congratulate the gentleman from New Mexico (Mr. UDALL) and the gentlewoman from New Mexico (Mrs. WILSON) for this legislation.

I think we would make a terrible mistake if we thought about this in very narrow terms, if we thought about this simply as a matter of dollars. Obviously, we have an obligation to think about the dollars that we expend. This legislation is drafted with that in

mind, and the requirements for self-sufficiency.

We did this when we acquired the Presidio and created the national park there after the Army left, in San Francisco. We did that because we recognized that this was one of the unique natural assets in our Nation.

Today we do the same thing with the Baca Ranch. It is not like we discovered this ranch yesterday. It is not like people just all of a sudden realized this was of value. People have recognized this as a value, a natural asset in this country, for many, many years. We now have the opportunity, through the cooperation of the family, to make this a part of our Federal land base, a land base that is envied around the world; a land base that, as many will find with the Baca Ranch, in many ways become economic generators to communities because tourists want to see these protected lands, whether it is the headwaters of the rivers or whether it is the great valleys of this ranch or the wildlife.

Fortunately, this Nation, this Congress, and Presidents of both parties have continued to acquire these lands. It is not to acquire them willy-nilly, it is to acquire them based upon a set of values and a set of assets that are unique, that are important to the history and the heritage of this country.

Clearly the Baca Ranch qualifies in every category, however we measure it. But if we thought about it in very narrow terms, we probably never would have done Yosemite, we never would have created the Tetons, Yellowstone, Arches, the Gateways, any of these great national parks and wilderness areas and Federal preserves in this country. This is to protect it for future generations.

That is what we have done best in this country. That is why other governments send people here to look at this and to see how they can manage lands and open them up for recreation, how we can have the public participate in the utilization of these lands, and at the same time protect them for future generations.

I would hope that this House would give overwhelming support for this legislation. This is truly one of the gifts we give this Nation to be enjoyed by future generations, to preserve and protect the uniqueness of this ranch which was fortunately held in one ownership for so many years, and cared for in the manner in which it was cared for.

The House ought to recognize that and support this legislation, and thank our two colleagues from New Mexico for getting this matter before the House of Representatives, and thank the gentleman from Utah (Mr. HANSEN) for his stewardship of this legislation through the Committee on Resources.

Mr. UDALL of New Mexico. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I just wanted to thank a few people that have been involved in this. Clearly, the gentlewoman from New Mexico (Mrs. WILSON) has shown leadership in getting this through the House.

The gentleman from Utah (Chairman HANSEN), I want to thank him for his stewardship and his ability to pull it together and move this thing along. People have been waiting a long time in New Mexico, and we owe a debt of gratitude to the gentleman for working very hard on this bill.

I know the gentleman worked very closely with the ranking member, the gentleman from California (Mr. GEORGE MILLER) to get this to the floor, and I want to thank the gentleman from California for his excellent leadership in negotiating this bill through the rocky shoals of the House.

I also want to thank the New Mexico delegation, Senator DOMENICI, Senator BINGAMAN, the gentleman from New Mexico (Mr. SKEEN), who earlier chaired that appropriations bill through and who has been a really fine Member from New Mexico. The entire delegation pulled together on this issue to try to see that it got done, and today we are getting very, very close.

Also, I would like to thank the Members of the Committee staff who have worked with me and the ranking member, the gentleman from California (Mr. GEORGE MILLER): Rick Healy, John Lawrence, David Watkins, and all the others who have worked with us.

I think this is a great example of bipartisanship. It is the House at its best, and I am very proud to be part of this effort.

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

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

Mr. Speaker, I, too, would like to thank the gentleman from New Mexico (Mr. UDALL) and the gentlewoman from New Mexico (Mrs. WILSON) for the fine job they have done on this legislation.

I had the opportunity of going to the Baca Ranch a couple of years ago with the gentleman from Ohio (Mr. REGULA). It is one of the more beautiful places on Earth. It is one of the most outstanding places to see.

I would hope that many Americans could now take advantage of seeing this ground that has previously been closed for a number of years. It is a lot of money, I realize, but I really think this would be a great addition to the West.

Mr. Speaker, I urge support of this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from Utah (Mr. HANSEN) that the House suspend the rules and pass the Senate bill, S. 1892.

The question was taken.

Mr. DUNCAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. HANSEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and add extraneous matter on S. 1892.

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

There was no objection.

J.L. DAWKINS POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4658) to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the ''J.L. Dawkins Post Office Building.''

The Clerk read as follows:

H.R. 4658

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

SECTION 1. J.L. DAWKINS POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, shall be known and designated as the ''J.L. Dawkins Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''J.L. Dawkins Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

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

Mr. Speaker, I think I can speak for all the Members of the Subcommittee on Postal Service and certainly the Members of the Committee on Government Reform when I say we have a great deal of pride in the bipartisan way in which we have brought up a very sizeable number of these kinds of proposals, enactments that seek to designate various postal facilities across the Nation in remembrance and commemoration of the deeds of individuals from the widest possible range of undertaking and service in our country.

Today certainly is no exception to that. We have before us four pieces of legislation. This first, of course, is H.R. 4658, which has been introduced by the gentleman from North Carolina (Mr. HAYES) back on June 14 of this year. I want to commend the gentleman from

North Carolina (Mr. HAYES) for his efforts and initiative in working with the entire delegation from the great State of North Carolina in getting them to cosponsor this legislation in a unanimous effort.

As the Clerk has designated, this bill would name the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the J.L. Dawkins Post Office building.

The gentleman from North Carolina (Mr. HAYES), the primary sponsor of the bill, is with us today, and I know will wish to make some remarks in a more extensive nature as to the contributions of Mr. Dawkins, but I can tell Members from having the opportunity to review his resume and his background, as we routinely do on these initiatives, that he indeed fits the prescription that we have with respect to only honoring those individuals who have acted in very extraordinary ways to serve their communities.

Mr. Dawkins, as I said, is a fine example of that, beginning in his high school days, where he was an active football and basketball star, and ultimately found what later became a lifetime calling in politics when he was elected to his senior class as president.

He then went on to Wake Forest University, where he attended for 2 years, and then returned to his hometown of Fayetteville.

Mr. Dawkins' father was a State representative at that time. He passed away when his son was but 15 years old, but it is clear in looking at J.L. Dawkins' achievements that his father made an indelible impression upon him, because this fine gentleman entered public service and he set his sights on becoming mayor of his hometown in Fayetteville.

Indeed, he began by serving on the city council there for some 6 terms before being elected mayor in 1987. The test of any politician, of course, is the ability to return, not so much because of what it may mean politically, but rather because of the very clear signal it sends as to that individual's abilities and dedication in serving his or her constituents.

Mr. Dawkins' reelection six times as mayor I think speaks volumes as to his skills, as to his willingness to contribute. In fact, he never lost an election, even at a time when he was being treated for cancer and undergoing at that time very experimental and aggressive forms of chemotherapy for more than a year. His constituents knew that under even the most adverse of circumstances, Mr. Dawkins was the man that they wanted to continue representing them.

He was known for his friendly and gracious ways, and eventually earned the unofficial but I think important title as Fayetteville's ''mayor for life.'' As I said, the gentleman from North Carolina (Mr. HAYES) has acted in a very fitting way to extend this tribute to Mayor Dawkins as a reminder to, we hope, his family, but certainly to the citizens of Fayetteville of the great contributions and sacrifices that he made.

This is a very worthy piece of legislation, and I would urge all of our colleagues to support it.

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

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

Mr. Speaker, I rise in support of this legislation.

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

Mr. MCHUGH. Mr. Speaker, I am honored to yield such time as he may consume to the gentleman from North Carolina (Mr. HAYES), with my personal thanks and the thanks of the subcommittee for his efforts on this legislation.

Mr. HAYES. Mr. Speaker, I thank my colleague, the gentleman from North Carolina (Mr. MCINTYRE), who has been a tireless worker in his efforts to honor a remarkable man. A number of people, men and women alike, have been honored in the well of the people's House, but I think there is no one any more appropriately deserving recognition than the man about whom we speak today.

The man whom we honor today, J.L. Dawkins, was born on Thanksgiving Day in 1935 to Johnnie Lee and Lucille Dawkins of Vandemere. He graduated from Fayetteville High School in 1953. He was a star on the football and basketball teams, and the unanimous choice for senior class president.

Mayor Dawkins' devotion and commitment to service for all citizens of Fayetteville is demonstrated by his quarter century of humble and dedicated public service.

□ 1645

His intense love for people and for his city motivated him to strive for quality development enhancement and beautification of his beloved community.

We had the joy and privilege of his public service for 25 years, 12 on the city council and mayor since 1987. He was elected to the city council in 1975 and never lost an election.

After serving six terms on the city council, Mr. Dawkins set his sights on an office that he always aspired to hold, the mayor. He won his first mayoral election in 1987 and was elected a record six times.

Mr. Dawkins was affectionately and appropriately dubbed Fayetteville's ''mayor for life.'' The passion of J.L. Dawkins for his city is evident in his untiring efforts to make Fayetteville a better place for all.

The mayor was known for his warm, friendly and gracious manner. He was known as a devoted husband and father and as someone who deeply loved his hometown of Fayetteville.

I would also like to offer my sincere thanks and best wishes to J.L.'s partner and wife of 42 years, Mary Anne Dawkins, and their two children, Johnny Lee Dawkins and Dawn Dawkins.

The designation of a post office is just a small but one appropriate way to honor J.L. for his tireless efforts as a public servant. He brought honor to our form of government. He also is a man to whom we can look with respect and honor as a role model for the type of leadership that spoke volumes of him, his family, his city, his State, and his country.

There are many people who pass through this life, some come and go, but others leave footprints on the hearts of those around them. J.L. Dawkins left footprints on the hearts of his community, of his State, and all of those who had the privilege of knowing him.

Mr. Speaker, I recommend strong support for this resolution honoring mayor J.L. Dawkins.

Mr. FATTAH. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Carolina (Mr. MCINTYRE) who serves on the Committee on Agriculture and the Committee on Armed Services and has been the person on our side of the aisle most responsible for this legislation.

Mr. MCINTYRE. Mr. Speaker, I want to thank the chairman, the gentleman from New York (Mr. MCHUGH), and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH), for the help of their committee and for allowing us to bring this to the floor.

Mr. Speaker, I rise today in strong support of H.R. 4658, which is legislation to rename the U.S. post office building in Fayetteville, North Carolina as the J.L. Dawkins Post Office Building.

I would like to thank my colleague, the gentleman from North Carolina (Mr. HAYES), for all of the untiring efforts the gentleman has given and in helping us put this together to bring it to the floor today. I want to thank all the Members, both Republican and Democrat, from our delegation in North Carolina for their support in this manner as well.

Born in 1935, J.L. Dawkins moved to Fayetteville 2 years later and lived there until his untimely death last month. In 1957, J.L. entered public service winning the first of six terms on the city council. He was elected mayor in 1987. J.L. served seven consecutive terms and became affectionately known as ''mayor for life'' in the City of Fayetteville.

Mr. Speaker, Mayor Dawkins earned this distinction because his public service was exemplified by three attributes that I think we all would do well to follow, inspiration and imagination and innovation.

J.L.'s decision to serve first of all was inspired by his firm belief in doing his best to make life better for others. His was an inspiration that was contagious to those who served with him and those who benefitted from his tireless leadership.

Second, Mayor Dawkins' imagination propelled him to convey an attitude of home and optimism for a better Fayetteville. His was an imagination which led to growth and prosperity for this wonderful city.

Third, Mayor Dawkins' innovation to build a city for all the people will be his lasting legacy. His was an innovative attitude that those of us in public service should all aspire to emulate. Truly he was a man of inspiration, of imagination, and of innovation.

If we all will recall for a moment. During the writing of the U.S. Constitution, Benjamin Franklin looked at the back of the chair in which George Washington had been sitting and sought to determine if that half sun painted on the back of the chair was a rising or a setting sun. And, indeed, he stood up, of course, and in his famous remarks said that, sir, at long last he had arrived at the conclusion that it was indeed a rising sun for our Nation whose rays of influence now literally touch every corner of the world.

Mr. Speaker, much like Ben Franklin, Mayor Dawkins was full of optimism and always could see a rising sun on the City of Fayetteville and the nearby Fort Bragg and Pope Air Force Base that so many of us are proud of, and as a member of the Committee on Armed Services and as the gentleman from North Carolina (Mr. HAYES) is, we are proud to represent this area of Cumberland County.

Mr. Dawkins was always looking to expand the vision and the horizons for Fayetteville, and may God grant that all of us will be inspired by his inspiration and imagination and innovation that Mayor Dawkins brought to his job every day.

Mr. Speaker, I urge my colleagues to support H.R. 4658 and honor the life, the service and the legacy of this fine Christian gentleman, this distinguished public servant, a true giant of a man, a leader among leaders, J.L. Dawkins.

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

Mr. MCHUGH. Mr. Speaker, I would like to say a final thanks to the gentleman from North Carolina (Mr. HAYES) and the gentleman from North Carolina (Mr. MCINTYRE) who we have heard from today and thank them for their cosponsorship.

Mr. Speaker, I would urge all of our colleagues to support this legislation.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4658.

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

The motion to reconsider was laid upon the table.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4658.

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

There was no objection.

BARBARA F. VUCANOVICH POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4169) to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the ''Barbara F. Vucanovich Post Office Building.''

The Clerk read as follows:

H.R. 4169

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

SECTION 1. BARBARA F. VUCANOVICH POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, shall be known and designated as the ''Barbara F. Vucanovich Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Barbara F. Vucanovich Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

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

Mr. Speaker, as we just heard in the bill previous to H.R. 4169, we had the opportunity to recognize the contributions of a gentleman who focused his very considerable talents and dedicated his many, many contributions to the great community of Fayetteville.

Mr. Speaker, on this piece of legislation, we have an opportunity to single out an individual who served in a somewhat broader arena, who also contributed and sacrificed. I want to thank the gentleman from the great State of Nevada (Mr. GIBBONS), my friend and colleague, for his sponsorship of this bill that seeks to honor the former Member of this House, Barbara Vucanovich by naming the facility located at 2000 Vassar Street in Reno, Nevada as the Barbara F. Vucanovich Post Office Building.

As with the previous initiative, the gentleman from Nevada (Mr. GIBBONS) has struck out and had each Member of the State delegation of Nevada become cosponsors of this, and by struck out, of course, I meant to seek out and to successfully achieve that objective.

Mrs. Vucanovich's achievements are well-known to many of us in this House. Those of us from New York have some perhaps additional reasons for pride, because, indeed, she grew up, spent many of her formative years in our great State capitol, in Albany, but clearly to many of us, her finest hours were upon this floor and in our committee rooms where she served from 1983 until 1997.

Mr. Speaker, her achievements, her dedication, particularly to Nevadans is well-known. She spent a great deal of effort trying to work on issues involving such issues as Federal wilderness, national park policy, public land use and nuclear waste disposal, to name just a few. Her retirement left this House somewhat poorer in that we no longer had her here as an everyday presence to help this great body in its deliberations. But clearly we can this afternoon, and I would hope we would, in fact, honor those contributions that she so selflessly extended through her service on the Committees of Interior and Insular Affairs, the Committee on House Administration and certainly amongst the more important efforts as chair of the Appropriations Subcommittee on Military Construction.

It is always a special moment when we can extend this kind of honor to a former colleague. I, again, want to thank the gentleman from Nevada (Mr. GIBBONS) for his efforts and certainly urge all of our colleagues to support this legislation.

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

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

Mr. Speaker, I rise in support of H.R. 4169 and would join in the remarks made by the gentleman from New York (Mr. MCHUGH). This is an appropriate honor for a former colleague.

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

Mr. MCHUGH. Mr. Speaker, I mentioned the gentleman who did so much good work on this legislation. We are pleased that the gentleman is able to be with us here at this moment, and I happily yield such time as he may consume to the gentleman from Nevada (Mr. GIBBONS).

Mr. GIBBONS. Mr. Speaker, first, I would like to thank my colleagues and friends, both the chairman of the Subcommittee on Postal Service, the gentleman from New York (Mr. MCHUGH), and the ranking member, the gentleman from Pennsylvania (Mr. FATTAH) for their hard work on, and continued dedication in bringing this important bill to the floor of the House of Representatives today.

Mr. Speaker, on April 4, I introduced H.R. 4169 to designate the post office located at 2000 Vassar Street in Reno, Nevada as the Barbara G. Vucanovich Post Office Building.

As the current congressman, Mr. Speaker, representing the Second Congressional District of Nevada, I have the distinct honor and, may I say, great challenge of following Barbara Vucanovich in Congress.

Mrs. Vucanovich retired from Congress after serving 14 years as the representative of one of the most diverse

and vast congressional districts in this country.

As Nevada's very first female representative in Congress, she focused on a variety of issues important to Nevadans, including Federal wilderness and national park policy, as we have heard earlier, public land use and nuclear waste policy issues that affected the State of Nevada.

In 1997, Mrs. Vucanovich retired as a senior Member of Congress, having served on the Committee on Interior and Insular Affairs, the Committee on House Administration and the chairman of the very powerful Appropriations Subcommittee on Military Construction.

The designation of the U.S. post office in Mrs. Vucanovich's hometown of Reno, Nevada would be a wonderful tribute to her tireless work and unfailing dedication to the citizens of the great State of Nevada.

Mr. Speaker, echoing the remarks of Nevada's Governor Kenny Guinn, ''I can think of few individuals who have devoted their lives to the people of Nevada in the manner that Barbara Vucanovich has over her many years of public service. She has served her community as a volunteer, government worker, and elected official. She has always fought hard for the people she represented.''

Mrs. Vucanovich's dedicated service to her Nation is well-known throughout the halls of Congress. Mrs. Vucanovich's long history in this body as represented by the many colleagues on both sides of the aisle who still today call Barbara their friend. Many of my colleagues here today served alongside of Barbara Vucanovich and still remember with great fondness her distinguished career and outstanding achievements here in this body.

Mr. Speaker, it has been my pleasure to lead this effort to recognize my predecessor, former Congresswoman Barbara Vucanovich, for her distinguished service in Congress and longstanding commitment to the citizens of the State of Nevada, as well as to our Nation as a whole.

I would like to encourage all of my colleagues to join with me today to honor former Congressman Vucanovich and pass H.R. 4169.

Mr. Speaker, I want to again thank the gentleman from New York (Mr. MCHUGH), my colleague and friend, for yielding me the time.

□ 1700

Mr. MCHUGH. Mr. Speaker, I am happy to yield such time as she may consume to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this bill to designate a post office in Reno, Nevada as the ''Barbara F. Vucanovich Post Office Building''.

Barbara was the very first woman elected to Congress from the great State of Nevada, and she blazed a trail for women during her seven terms of Congress. She once lived in the congressional district that I have the honor of representing when she attended Manhattan College of Sacred Heart in New York City from 1938 through 1939, long before many women were routinely attending college.

I have very fond memories of working with Barbara Vucanovich on many bills before this Congress. In fact, one of the first bills when I came to Congress was one that we worked on together which would provide for annual mammograms in Medicare. We circulated a letter together and got, I think, probably every Member of this body to sign onto it.

At that time, when a woman was 65, mammograms were covered only every other year, which put many women at risk. It is early detection that is now saving women's lives, and it was an honor to work with her.

She cared very deeply about this issue for many reasons, one of which she was herself a breast cancer survivor. She often spoke about her experiences and really was instrumental in supporting research for breast cancer.

The bill that we worked on later became part of the balanced budget amendment and is now law. So I always think about Barbara when I read about this bill and when I think about all the breakthroughs that we are having now in breast cancer research, because she truly was a great leader in many areas. But on the Women's Caucus, I would say she was the leader on breast cancer research. Really, every woman in this country owes a great deal of gratitude for her service, for her leadership, and for her example.

So I thank very deeply the gentleman from Nevada (Mr. GIBBONS) for introducing this bill, and I certainly urge a yes vote. It is long overdue.

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

Mr. Speaker, I join in the remarks that have been made. I have not served with the gentlewoman from Nevada. I would add just that I think it is entirely appropriate that this legislation receive a unanimous support here in the House.

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

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4169.

The question was taken.

Mr. MCHUGH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4169.

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

There was no objection.

HENRY W. MCGEE POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3909) to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building.''

The Clerk read as follows:

H.R. 3909

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

SECTION 1. HENRY W. McGEE POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, shall be known and designated as the ''Henry W. McGee Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Henry W. McGee Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 3909.

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

There was no objection.

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

Mr. Speaker, I would admit to some bias in the bill just passed and that, as a Member of this House, it brings a particular sense of pleasure to be able to bestow a naming honor upon a former colleague. However, as a citizen, and perhaps for the purposes of this initiative, more importantly as the chairman of the Subcommittee on Postal Service, I think it is particularly appropriate when we have, as we do on this particular bill, the opportunity to bestow an honor upon an individual who has dedicated, in this case, his life to service of the United States Postal Service itself.

The gentleman from Illinois (Mr. RUSH) introduced this legislation on March 14. As the Clerk has read, it does designate the Postal Service facility at

4601 South Cottage Grove Avenue in Chicago, Illinois, as the ''Henry W. McGee Post Office Building.''

Mr. McGee began his life in Texas, in Hillsboro, Texas, but moved to Chicago in 1966. He began working for the Postal Service when he was just 20 years old and retired in 1973 after 45 years, 4½ decades of selfless and dedicated service to that great organization.

Mr. McGee was Chicago's very first African-American postmaster in 1966, and he was also the first career postmaster in the great city of Chicago. He thereafter went on to accrue long lists of achievements and accrue long lists of sacrifices on behalf of his community, on behalf of his country.

In World War II, he was a member of the Illinois State Militia. He made every effort to better himself through continued education and was a founding board member of the Rochelle Lee Fund for Children's Literacy where he also attempted to help the education and the betterment of so many others.

Sadly, Mr. McGee died in March of this year at the wonderful age of 90, but behind him left the kind of life from which all of us can derive a great deal of inspiration and certainly can derive a great deal of lessons as well.

I want to commend the gentleman from Illinois (Mr. RUSH) for his initiative, and I urge all of our Members to join us in supporting this bill.

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

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

Mr. Speaker, I rise in support of this legislation, H.R. 3909, and to further extend upon the remarks of the gentleman from New York (Chairman MCHUGH). I want to thank him for his efforts to bring this legislation to the forefront. It is true that Mr. McGee is someone vastly deserving of this honor.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. RUSH) to speak on this matter, the prime sponsor of this bill.

Mr. RUSH. Mr. Speaker, I want to thank the gentleman from Pennsylvania (Mr. FATTAH) and the gentleman from New York (Mr. MCHUGH) for their efforts in bringing this legislation to the floor today. I also owe a great deal of gratitude to the entire Illinois delegation for their cosponsorship of this worthy piece of legislation.

Mr. Speaker, I am honored to rise in support of H.R. 3909, a bill that I introduced in March, which designates the United States Post Office located at 4601 South Cottage Grove in my district, the first district of Illinois, as the ''Henry W. McGee Post Office Building''.

H.R. 3909 pays fitting tribute to Henry W. McGee, the first black postmaster of Chicago, who gave 44 years of outstanding service to the United States Postal Service.

Mr. McGee who died on March 18, just days after I introduced this bill, began his career in 1929 as a temporary substitute letter carrier. But Mr. McGee determined that his position would not just be temporary and that he would not remain a substitute employee.

When he retired from the United States Postal Service in 1973, Mr. McGee was the general manager of the eight metropolitan districts of Chicago. Under his leadership, Chicago obtained a reputation among the best managed Post Offices in the Nation.

With Mr. McGee at the helm, the Chicago Postal Service was able to improve its delivery and its delivery rates and its delivery effectiveness in meeting the needs of its consumers.

While working hard to achieve his career goals, Mr. McGee continued to pursue his education, earning his bachelor of science degree from the Illinois Institute of Technology in 1949. In 1961, Mr. McGee received a master's degree in public administration from the University of Chicago, while currently being promoted to personnel manager for the Chicago region of the Post Office department, which encompassed both the State of Illinois and also the State of Michigan. Five years later, Mr. McGee became the first black postmaster of Chicago appointed by President Lyndon Baines Johnson.

But the accomplishments of Mr. McGee do not end there. While working hard to promote his career and to gain an education, Mr. McGee found time to get involved in the community and take on issues greater than himself.

In 1939, Mr. McGee coordinated the arrangements for the annual convention of the National Alliance of Postal and Federal Employees. He had joined the group 2 years earlier, but he immediately began taking on a leadership role. In 1945, Mr. McGee became president of the Chicago branch of the National Alliance.

In 1946, he was selected to serve as president and acting executive director of the Chicago chapter of the NAACP. While there, he dedicated himself to the causes of ending segregation and fighting for equal justice.

In addition to the NAACP, he became one of the charter members of the Joint Negro Appeal, a self-help organization. As president, Mr. McGee served diligently for more than 17 years and raised many thousands of dollars to help neighborhood groups.

This legacy that Henry W. McGee leaves is both inspirational and impressive. I believe that this legislation is a fitting tribute to Henry W. McGee, and I urge my colleagues to support H.R. 3909.

Mr. MCHUGH. Mr. Speaker, I have no further requests for time, and I continue to reserve the balance of my time.

Mr. FATTAH. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois (Mr. DAVIS), another gentleman who is a member of the Illinois delegation and most importantly in reference to this legislation is a member of the Subcommittee on Postal Service, and serves with both the gentleman from New York (Mr. MCHUGH) and myself and provides a great deal of leadership on the committee.

Mr. DAVIS of Illinois. Mr. Speaker, I certainly want to, first of all, commend the gentleman from Illinois (Mr. RUSH) for introducing this very important legislation. I would also like to express appreciation to the gentleman from New York (Chairman MCHUGH) and the gentleman from Pennsylvania (Mr. FATTAH), ranking member, for bringing this legislation to the floor.

I rise in support of H.R. 3909, which names the post office on South Cottage Grove after Henry McGee. I was fortunate to have worked for and with Henry McGee. As a matter of fact, one of the very first meaningful jobs that I ever had was a job working in the Chicago Post Office as a clerk. I can recall at that time that Mr. McGee was an esteemed executive; and one would hear his name being called on the intercom, practically all day in terms of somebody saying, Mr. McGee, please call your office, or Mr. McGee, you are wanted on floor 9, or Mr. McGee, you have a telephone call, or you have a message. Many of us were young people wondering who was this guy McGee. I mean, all day long one constantly heard his name.

Then as we got to meet him and got to know him, we were tremendously impressed because he reminded us so much that it is not always a matter of where one begins, but oftentimes it is a matter of where one ends.

So here comes Henry McGee beginning as a temporary letter carrier at the very bottom of the process and then working his way all the way to the point of becoming postmaster of one of the largest postal operations in America.

But then as my colleagues have already noted, not only did he excel in terms of his chosen profession, but Henry McGee found the time while operating the Chicago Postal Service to also be actively involved in other civic and community affairs.

□ 1715

In addition to those already having been mentioned, he was also appointed by Mayor Daley to serve as a member of the Chicago Board of Education. And during those years, serving as a member of the Chicago Board of Education was kind of like being in the military. A board member needed to get hazardous duty pay. And yet Henry McGee was able to do all of that.

He was also a great churchman and was seriously involved in his church and was consistently known as the guy who kept the records, who always made sure that the money was handled properly and was accounted for. Not only did he raise money, but he also accounted for money.

But then he lived to be 90 years old and to be actively engaged even up to that point. People often talk about a lack of role models, a lack of individuals in African-American communities

especially or minority communities in general. I think that young people need not look any further than to look to the Henry McGees of the world, a man who started at the bottom but rose to the top of his profession and ended life as an outstanding and esteemed American.

Again, I certainly commend and thank my colleague, the gentleman from Illinois (Mr. RUSH) for taking the time to recognize this great American, and I certainly would urge that we all support this legislation.

Mr. FATTAH. Mr. Speaker, I yield myself such time as I may consume to thank once again my colleagues, the gentleman from Illinois (Mr. RUSH) in particular, and the gentleman from Illinois (Mr. DAVIS) for bringing the life and legacy of Mr. McGee forward to this House in this way.

I think that among the many, many pieces of legislation that we will pass in this session naming post office facilities, this one is more appropriate than most in the sense that this gentleman worked his entire life in the postal service making sure that the mail, notwithstanding the weather, was delivered and delivered accurately. He is a gentleman who has a great and varied background, including his work on the board of the children's literacy effort in Illinois, which is something that I appreciate and admire him for.

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

Mr. MCHUGH. Mr. Speaker, I yield myself such time as I may consume to thank the ranking member for his efforts through this continuing labor on behalf of the subcommittee. I understand he has to go off for other business while we complete the final bill, but, as always, he has been a leader and an engine of cooperation.

Mr. FATTAH. Mr. Speaker, will the gentleman yield?

Mr. MCHUGH. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I would just advise my colleague that my daughter is in my office, and I have been holding her up, so I am going to yield the remainder of the time for another member of the committee to manage the last remaining bill.

Mr. MCHUGH. Reclaiming my time, Mr. Speaker, I appreciate that. We always know, whether the gentleman is on the floor or somewhere else, that he is working on all our behalves, and I mean that with all sincerity.

Before I yield back, Mr. Speaker, I want to associate myself with virtually all the speakers on the other side of the aisle. I think they made very poignant, very appropriate comments about the appropriateness of this particular bill.

As I tried to indicate in my opening remarks, this is a special bill, amongst a series of special bills. This gentleman, through his efforts in the postal service and this gentleman through his efforts in his community, as the gentleman from Illinois (Mr. DAVIS) so aptly put it, can indeed serve as a source of inspiration, of leadership far beyond any minority community but across the wide horizon. He is the kind of individual and gentleman to which all peoples, young and old alike, can look to for real landmarks in how to guide and live their lives.

So this is a particularly fine bill, and I am proud to be here today with the gentleman from Illinois (Mr. RUSH) and others who have made it possible.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 3909.

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

A motion to reconsider was laid on the table.

SAMUEL H. LACY, SR. POST OFFICE BUILDING

Mr. MCHUGH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4447) to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the ''Samuel H. Lacy, Sr. Post Office Building.''

The Clerk read as follows:

H.R. 4447

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

SECTION 1. SAMUEL H. LACY, SR. POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, shall be known and designated as the ''Samuel H. Lacy, Sr. Post Office Building''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Samuel H. Lacy, Sr. Post Office Building''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. MCHUGH) and the gentleman from Maryland (Mr. CUMMINGS) each will control 20 minutes.

The Chair recognizes the gentleman from New York (Mr. MCHUGH).

GENERAL LEAVE

Mr. MCHUGH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4447.

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

There was no objection.

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

Mr. Speaker, this final bill, regardless of its sequence in the legislative calendar, is certainly equal to the high standards that have been set not just here today on the floor but I think historically through this Congress with respect to postal namings.

I want to thank the gentleman from Maryland (Mr. CUMMINGS) for working so hard to bring this very meritorious piece of legislation before us. As the Clerk said, it does seek to designate the United States Post Office facility located at 919 West 34th Street in Baltimore, Maryland, as the Samuel H. Lacy, Sr. Post Office. And as was true with the previous three initiatives, Mr. Speaker, each Member here too of the House delegation from the great State of Maryland has joined the gentleman from Maryland (Mr. CUMMINGS) in cosponsoring this bill.

All of us who come to this floor find ourselves laboring beneath a podium that is suspended above the House here that is the place put aside to seat the members of the various media. And, indeed, those of us who have the honor of serving this House and in government and politics sometimes find ourselves in an interesting love-hate relationship with many members of the media. But I think it is fair to say for all of us that, at the end of the day, despite our occasional disagreements, those of us in public office have a great deal of respect, a great deal of admiration for those who serve in that capacity of keeping the people of this country informed. Certainly our Constitution, our Founding Fathers and founding mothers, understood the importance of a free press and an active press, and one that was never afraid, never too shy to come forward and to report the facts and the truth as they saw it.

My understanding of Mr. Lacy is that he has dedicated his life to that kind of effort. And, in fact, he has accrued some 60 years in journalism, working in radio, television, and the print media. He was a renowned sportswriter and editor for the Baltimore Afro-American Newspaper, starting back in 1944. And, in fact, even to this day he still resides in the great city of Baltimore and still works in journalism, adding each and every hour of each and every day to that fine list of achievements.

So we have, I think, a very fitting finale to our four-bill calendar today, seeking to honor this gentleman who has served in the media, fulfilled that solemn commitment that is embodied in our Constitution of a free and unfettered press, in defense of the first amendment and freedom of speech. So I want to again thank the gentleman from Maryland (Mr. CUMMINGS) for his initiative, and certainly urge all our Members and colleagues to support this very worthy bill.

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

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

I would like to thank the chairman, the gentleman from New York (Mr. MCHUGH), and the ranking member, the gentleman from Pennsylvania (Mr.

FATTAH), of the Subcommittee on Postal Service of the Committee on Government Reform for their support in bringing this bill to the floor today. I believe that persons who have made meaningful contributions to society should not only be recognized but memorialized.

The naming of a postal building in one's honor is truly a salute to the accomplishments and public service of an individual. H.R. 4447 designates the United States Postal Service building located at 919 West 34th Street, Baltimore, Maryland, as the Samuel H. Lacy, Sr. Post Office Building.

I am pleased to be able to speak today about my constituent, Mr. Lacy, a true trailblazer and hometown hero in Baltimore's African-American community, this country, and the world. Mr. Lacy has served since 1944 to the present in one of the greatest African-American institutions in the world, the Baltimore Afro-American Newspaper. The Afro, as it is called, is one of the oldest black-owned and operated weekly newspapers in the country.

During World War II, the Afro and other black press documented the heroism of our soldiers, sailors and airmen; valor that the majority press largely ignored. Then, during the Red Scares of the 1950s, newspapers like the Afro were forced to struggle against both financial pressure and attacks by the agents of the McCarthy era. The black press exposed the brutal face of Jim Crow and the fundamental unfairness of segregation. Before Selma and Birmingham, they helped to provide the social and intellectual foundations for protests in the movement toward civil rights.

In the words of ''Soldiers Without Swords,'' Stanley Nelson's 1998 documentary for PBS, the black press ''gave a voice to the voiceless.'' They gave us the news we needed to know when no one else would declare the truth about our lives. For families like my own, new to Baltimore from the fields of South Carolina, the Afro-American Newspaper offered us the vision of a powerful business owned and controlled by black men and women of intellect, education, and courage.

Samuel Lacy is a part of that legacy. He has been a renowned sportswriter and editor for the Baltimore Afro-American Newspaper since 1944. He has worked for 60 years, over half a century, in journalism, working with radio, television, and the print media. And as the gentleman from New York (Mr. MCHUGH) said, he is still working at 96.

As a sportswriter, he conducted interviews with many great sports figures. However, his unique position as an African-American writer provided for insightful behind-the-scenes stories about Jackie Robinson and other great black sportsmen, unfortunately, because they were often relegated to the same segregated accommodations. Lacy's earnest prose during these times played an important part in the effort to desegregate major league baseball. His contributions led to his induction into the writers' wing of the Baseball Hall of Fame in 1998.

He also served as a sports commentator for WBAL TV in Baltimore and a sports and managing editor for the Washington Tribune, even covering six Olympic games, including Los Angeles. To this day, at the age of 96, he continues to write a weekly column for the Afro.

Mohammed Ali, the greatest boxer of all times, once said that, and I quote, ''Service to others is the rent you pay for your room here on earth.'' Samuel Lacy, as a man and as a member of the African-American press, has paid his rent over and over and over again. As such, I urge my colleagues to support this postal naming bill that salutes a person from my district who has spent his life giving service to others and giving life to life.

Just this weekend, I was with Mr. Lacy at a funeral of John Oliver, Sr., the editor of the Afro-American, who had served for over 47 years.

□ 1730

When Mr. Lacy got up to speak, he talked about how Mr. Oliver had contributed so much to the lives of others. What he did not say and would have been appropriate at that moment to say was that he and Mr. Oliver and many others provided a newspaper so that young boys and girls of African-American descent could look up to them and know that they were going somewhere, that they presented an image, that they presented a business, a family-owned business, that they presented a legacy by which many of us could follow.

Again, I thank the gentleman from New York (Mr. MCHUGH) so much for bringing this bill to the floor. I want to thank the gentleman from Indiana (Mr. BURTON), who was very instrumental, and certainly the gentleman from California (Mr. WAXMAN), the ranking member, and the gentleman from Pennsylvania (Mr. FATTAH), the ranking member of the subcommittee. I know for a fact that Mr. Lacy is looking on, and I know that this act today will not only touch his life but will touch the lives of his family and his friends.

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

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

Let me express my appreciation again to the gentleman from Maryland for his efforts on this bill but also for his very gracious comments and for his words of thanks; but with all due respect, I would suggest that it is all of us that owe the thanks to the gentleman from Maryland (Mr. CUMMINGS) for his efforts in bringing to us an individual who as he so eloquently stated has done so much and contributed so many times including this very moment. We look forward to many days ahead of additional sacrifice and additional achievement on behalf of this very worthy gentleman.

Mr. Speaker, I urge all of our colleagues to join us in supporting this bill.

Mr. FATTAH. Mr. Speaker, H.R. 4447, which designates a U.S. post office located at 919 West 34th Street in Baltimore, Maryland after ''Samuel H. Lacy, Sr.'' was introduced by Congressman ELIJAH CUMMINGS on May 17, 2000.

Samuel H. Lacy, Sr., is a renowned sports writer and editor for the Baltimore Afro-American Newspaper, a position he has held since 1944. He has spent 60 years in journalism, working in radio, television, and print media.

At 96 years young, Mr. Lacy still authors a weekly column for the Baltimore Afro-American Newspaper. He has served as a Sports Commentator for WBAL–TV in Baltimore and a Sports and Managing editor for the Washington Tribune. Mr. Lacy has covered six Olympic Games, including the games in Los Angeles and is most proud of receiving the Frederick Douglass Award for excellence in journalism.

Mr. Speaker, I join my colleagues in expressing support for H.R. 4447, which would name a post office after a truly talented and dedicated man, Mr. Lacy. I urge swift passage of this bill.

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

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from New York (Mr. MCHUGH) that the House suspend the rules and pass the bill, H.R. 4447.

The question was taken.

Mr. MCHUGH. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8, rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

CONCERNS OF CHINESE AID FOR PAKISTANI BALLISTIC MISSILE PROGRAM STILL UNRESOLVED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, last month disturbing reports surfaced that China is aiding Pakistan's missile development program. In response to this very destabilizing situation, I wrote to President Clinton on July 5 urging that the administration immediately impose sanctions on China. I was encouraged to see that the administration

dispatched a top arms control official to Beijing to address the growing concerns about China's proliferation activities. But the news out of the Chinese capital was not encouraging. John Holum, senior adviser to the Secretary of State on arms control, told the media that the United States has raised our concern that China has provided aid to Pakistan and other countries. According to an article in the Sunday, July 9 New York Times, Mr. Holum said, ''We made progress, but the issue remains unresolved.'' In the polite parlance of diplomacy, that is a clear indication that this issue continues to be a serious concern.

Mr. Speaker, the Central Intelligence Agency and other U.S. intelligence agencies have reported that China has stepped up its provision of key components and technical expertise for the development of a new long-range missile that could carry nuclear weapons. This recent pattern of Chinese support for Pakistan's missile development program is a matter of concern for the United States and for the long-term stability of the entire Asian continent.

It is also a matter of particularly urgent concern for India. China and Pakistan both consider India to be their major strategic threat which is absurd, considering that India has been the victim of both Pakistani and Chinese aggression. But given that shared strategic outlook on the part of China and Pakistan, it is clear that these two nations have teamed up to surround India and create an alarming potential for instability in Asia.

While Pakistan remains subject to U.S. sanctions as a result of its nuclear explosions and last year's military coup, the administration has been trying to influence China with its policy of comprehensive engagement. Clearly, at least in the case of Pakistan, the policy is not working. Mr. Speaker, I believe it is time to get tough with Beijing.

To that end, I am drafting legislation similar to a bipartisan bill that has been introduced in the other body, the Senate, that would require the administration to monitor China's record on the spread of nuclear weapons and impose automatic sanctions on companies or states if there is credible evidence of exports of missile technology. The legislation is moving through the Senate and is part of the mix in the upcoming debate on extending permanent normal trade relations to China. I believe this connection is very appropriate to make. We cannot afford to completely separate our commercial and security interests.

In my letter to President Clinton urging that sanctions be imposed on China forthwith, I noted that sanctions had been imposed on China in 1991 and in 1993 for the provision of M–11 missiles with a range of 300 kilometers. In my letter to the President, I wrote: ''A new era of cooperation between India and the United States has been ushered in, thanks in no small part to your recent trip to India that I was honored to be a part of. As we work to heighten our cooperation with India on such issues as security, nonproliferation and combating terrorism, it seems inconsistent not to hold China accountable for actions that directly threaten the security of India and which will inevitably spur a heightened arms race on the subcontinent.''

I further stated in my letter, Mr. Speaker: ''In an effort to forestall action by Congress, the administration has tried to tout China's reduction of weapons exports to the Middle East, North Korea and other areas of concern. But it appears from the administration's own information that the flow of nuclear technology and delivery systems for weapons of mass destruction to Pakistan continues unabated.'' The latest news from our American envoy in Beijing only further confirms that this is in fact the case.

I have long been concerned, as many of my colleagues in Congress have been, about transfers of technology by the People's Republic of China that contribute to the proliferation of weapons of mass destruction or missiles that could deliver them. For example, in 1996, many of us called for sanctions on China for the sale of ring magnets, which can be used to enrich uranium, to Pakistan. Since 1992, Beijing has taken some steps to mollify American concerns about proliferation, including promises to abide by the Missile Technology Control Regime, which it has not joined, and accession to the Nuclear Nonproliferation Treaty. But the Director of the CIA reports that the People's Republic remains a key supplier of technology inconsistent with nonproliferation goals.

In closing, Mr. Speaker, I want to stress again that the issue of favorable trade benefits to China cannot be delinked from our concerns about nuclear and missile proliferation. If the administration considers PNTR passage so important, it must demonstrate to Congress that it is serious about cracking down on China's violation of nonproliferation agreements. I hope the administration will give serious consideration to imposing sanctions on China. If not, there are those of us in Congress who are ready to mandate such sanctions through legislation.

CALLING FOR EXTRADITION OF ALLEGED KILLER OF DEEPA AGARWAL, SLAIN CENTRAL FLORIDA STUDENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of Florida. Mr. Speaker, I am here today to speak on behalf of the family of Deepa Agarwal, a promising and bright young student at the University of Central Florida, who was brutally murdered in her apartment in Orlando, Florida. Her alleged killer, Kamlesh Agarwal, fled to his home in India where he remains today. Today is an important day to Deepa's family and friends because it marks the 1-year anniversary of her tragic death. But halfway across the globe in India, it is just one more day that her alleged killer remains free.

I am here to speak today because I am concerned about the failure of India to pursue and arrest this suspect, let alone extradite him. As a result of a murder in my own congressional district and the efforts made to extradite the suspect from Mexico, I learned a lot about the international loopholes that criminals can use to escape justice in America. In fact, according to recent statements by the Department of Justice, only one in four international fugitives is returned to the United States.

It is easy to point fingers at the actions of other nations when it comes to extradition. But I want the administration to take note of one important point. Deepa's family and friends held a vigil today in front of the White House and not in front of the Embassy of India. After more than 2 years of working on the issue of international extraditions and after talking to victims' families and local law enforcement, I have realized that there is a powerful and accurate perception that the administration is not doing enough to ensure that these suspects are returned. The American people are not content with being told that we have no influence over international law enforcement cooperation with countries like Mexico and India when we hand out millions of dollars in foreign aid and maintain a constant dialogue on a wide variety of other issues.

Cases like the Agarwal case should be a priority in U.S. foreign policy, and families should not feel like they need a Member of Congress to take the offensive on their behalf to get action on their case. I believe that there are employees within the State Department and Justice Department who are committed to seeing these suspects return to face justice. But until that decision is made at the very top of the food chain to make these extraditions a top priority, we will continue to tread water on this issue, and tragically we will continue to see vigils like occurred today.

I ask the administration to make the Agarwal case and extradition a priority in our dealings with India, and I wish the Agarwal family and Deepa's friends the best of luck in their fight for justice. I also ask my colleagues to join me in support of international extradition reform and the legislation I have introduced, which is H.R. 3212, the International Extradition Enforcement Act.

IN SUPPORT OF H.R. 1323, SILICONE BREAST IMPLANT RESEARCH AND INFORMATION ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, the reason this evening that I am asking for a 5-minute special order is to talk about some legislation that I have been working on and we have a great many cosponsors, H.R. 1323. As I begin to talk about it, Members need to understand when I first was brought to the problem's attention by some constituents of mine, I realized the first issue we need to deal with is what I call the candy effect, we need to get over the snicker factor and then really get on to dealing with the problems that some women in our country are having.

H.R. 1323 deals with breast implants, an issue that has been the subject of court cases. But my concern, Mr. Speaker, is that the Federal Food and Drug Administration, who is supposed to be America's watchdog, our protector, to make sure that we are not harmed by faulty drugs or medical devices. In fact, the FDA's own Web site calls itself the Nation's foremost consumer protection agency, and we pour millions and millions of Federal tax dollars into this agency every year. Unfortunately, when it comes to medical devices, the FDA is neither our watchdog nor our protector.

In May, I was disappointed to learn that the FDA approved saline breast implants for the general market. The FDA approved these breast implants despite data presented by the manufacturers showing that three out of four mastectomy patients who opt for saline breast implant reconstruction experience painful local complications.

The FDA approved breast implants despite the fact that the majority of implants rupture within the first 3 to 4 years. The FDA's own scientists concluded that the manufacturers have incorrectly carried out their statistical analyses and therefore determined that the complication rates were as high as 84 percent with mastectomy patients within the first 3 to 4 years. These complication rates continue to increase over time.

□ 1745

But, now with the FDA approval, the two leading manufacturers are able to market their saline breast implants. In fact, one of the manufacturers even has a pending FDA criminal investigation regarding its breast implant production and testing hanging over its head, and it still received approval by the FDA.

My concern for women who opt for a saline breast implant stems from hundreds of women who have contacted me with their experience, and I have heard from my own constituents and women from across the country who have suffered from the long-term consequences of reconstruction and cosmetic surgery, including infections, deformity and rupture.

These women also have suffered from inaccurate mammogram readings due to implants concealing breast tissue which is critical in detecting a reoccurrence of cancer. Studies show that up to 35 percent of the breast tissue can be obscured by these implants.

In addition, these women are experiencing difficulties with health insurance coverage to pay for the high cost of repeated surgeries and examinations. The cost of faulty implants is paid for by all of us. Just consider the number of women who have had breast implants. The Institute of Medicine estimated by 1997, 1.5 to 1.8 million American women had breast implants, with nearly one-third of these women being breast cancer survivors.

The American Society of Plastic and Reconstructive Surgeons cites breast augmentation as the most popular procedure for women ages 19 to 34. In 1998, nearly 80,000 women in this age bracket received breast implants for purely cosmetic reasons. By 1999, an additional 130,000 women received saline breast implants.

In spite of these escalating numbers, very little is known about the long-term effects of the silicone of these breast implants on the body. Few patients understand that even when they opt for the saline breast implants, the envelope of the implant is made of the silicone.

Following the FDA's decision to approve saline breast implants, the agency did warn women of the potential risk. FDA officials called upon implant manufacturers and plastic surgeons to ensure that thorough patient information is provided to women before they undergo the surgery.

So, now with the FDA approval process behind us, the only course of action to safeguard future women is an informed consent document. Somehow, a piece of paper is supposed to make up for the manufacturer's insufficient mechanical testing, revision data and retrieval analysis. It is supposed to make up for inaccurate labeling and risk estimates. It is supposed to make up for the plastic surgeon's obligation to fully inform their patients of the potential complications and reoperations and the doctor's chosen surgical procedures.

There is so much we don't know, and yet the one government agency mandated to safeguard the public's food, drug and medical devices is willing to jeopardize women with a medical device that has alarmingly high failure rights.

In spite of the agency's call for post-market studies, the FDA approval of saline breast implants provides no incentive for the manufacturers to make data better or a safer medical device. I highly doubt the post-market studies will be conducted in a meaningful and timely manner, and I doubt that the FDA has the ability to properly oversee these studies anyway. One of the manufacturers is already predicting to its stockholders it will have FDA's approval of its silicone breast implants in a couple of years, and I believe the need for more research is especially compelling in light of the FDA's own study on the rupture of saline breast implants.

Mr. Speaker, I include for the RECORD two articles from The Washington Post and the Los Angeles Times.

On May 18 of this year, Dr. S. Lori Brown's research was presented. The study examined women through the use of MRIs in order to detect whether their implants had ruptured and concluded that 69 percent of the women had at least one ruptured breast implant.

The FDA concluded that rupture of silicone breast implants is the primary concern although "the relationship of free silicone to development or progression of disease is unknown."

My colleagues have joined me in trying to get some critically needed independent research into silicone breast implants. We have sponsored "The Silicone Breast Implant Research and Information Act," H.R. 1323, which calls upon the National Institutes of Health to conduct clinical research on women with silicone breast implants.

Our bill places a special emphasis upon mastectomy women, who are adversely affected at a much higher rate than women receiving implants for cosmetic reasons.

While that research is being conducted, the bill would also bolster the informed consent procedures and information given to women when they consider breast reconstructive surgery or breast augmentation.

I urge my colleagues to join me in sponsoring this bill, and ensuring the health and well-being of American women. Since the FDA won't do it's job, we'll have to.

Mr. Speaker, I include the following articles from the Washington Post and the Los Angeles Times for the RECORD.

[From the Washington Post, May 21, 2000]

HOW SAFE IS SAFE?

The Food and Drug Administration ruled last week that saline-filled breast implants, the only kind still available, can remain on the market. They had been in regulatory limbo; a 1976 law allowed medical devices then available to continue to be sold pending further testing, only now completed. But for those who hoped the long-awaited FDA ruling would give a firm yes or no on safety, the agency's judgment is less than definitive.

Saline implants may be sold, the agency ruled, but women must be made aware of their many potential complications, including pain, infection, cosmetic problems and a 20 to 40 percent chance they will need replacing by another operation within three years. A serious effort needs to be mounted to warn women of these risks, the agency believes. Not exactly a ringing endorsement.

Why, then, approve at all? Critics accuse the FDA of diluting the meaning of its seal of approval. Many products legally on the market carry risks. Drugs commonly come with warnings of side effects. But the critics argue that the agency should take a harder line toward optional cosmetic products and procedures. And in fact, most optional devices with complication rates this high have been kept from the market.

The FDA says it is trying to draw difficult lines between protecting people and allowing them to weigh their own risks at a time

when both demand for ''lifestyle products'' like cosmetic surgery and the variety available are skyrocketing. Should people be protected from liposuction and laser eye surgery? From cosmetic procedures with a remote risk of serious harm but a high risk of moderate harm?

The implant ruling reflects an FDA choice to become, at least for cosmetic surgery, less a goalie and more a disseminator of information. It's a defensible but risky approach that can only work if accompanied by close oversight, especially of the implant manufacturers and plastic surgeons who benefit financially from use of these products. For most consumers, the FDA's stamp of approval still speaks more loudly than any warnings it may tack on.

[From the Los Angeles Times, June 15, 2000]

WOMEN CAN'T COUNT ON THE FDA

(By Patricia Lieberman)

The Food and Drug Administration is known worldwide for having the most rigorous safety standards. Unfortunately, it lowered its standard last month when it approved saline-filled silicone breast implants. That decision will have an impact on the lives of as many as 150,000 women and teenage girls who get those implants each year. And if implant makers have their way, the FDA will approve even riskier silicone gel-filled implants next.

To win approval of their saline implants, two Santa Barbara-based corporations presented the FDA with results of their studies of women who get saline implants three to four years ago. They claimed their patients were satisfied. but reported serious problems such as broken implants, breast pain, infection, deformity and additional surgeries to fix those problems.

The manufacturers touted their implants safety, and they were backed up by plastic surgeons, who told the FDA about the wonderful successes in their practices. Like the children of Garrison Keillor's mythical Lake Wobegon, the surgeons all seemed to be ''better than average,'' with complication rates that were much lower than the research found and patients more enthusiastic about the changes implants made.

Yet analysis by FDA scientists showed that the manufacturers and physicians had underestimated the true rates of complications. Using data gathered by the manufactures, the FDA calculated that for one manufacture, Mentor Corp., 43% of women who got implants for augmentation had at least one complication within three years. For mastectomy patients, it was even worse: Within three years, 73% of women who got implants had at least one complication, and 27% had their implants removed. The statistics were even more troubling for the implants made by McGhan Medical. For both brands, the FDA explained that the complication rates were still rising when the studies were completed, so the long-term health risks are unknown.

The FDA also heard heart-wrenching testimony from women with health problems due to saline breast implants. They heard from women who got sick but are too poor because of extensive medical bills to have the implants removed. They heard from women who were denied health insurance because they were considered highrisk due to their implants and subsequent complications. They heard from women whose symptoms did not improve until after their implants were removed. The FDA utterly ignored these devastating stories.

The FDA also heard a radiology expert testify that breast implants can interfere with mammography. Failure to detect cancer is twice as likely for women with implants. Of the 1.5 million to 2 million women with implants, it is likely that the breast cancer diagnosis of 20,000 to 40,000 if them could be delayed because their implants obscured a tumor. Such a delay can be deadly. When breast cancer is detected and treated in its earliest stages, 90% to 95% of those women are healthy 10 years later. Only 40% live 10 years if the cancer is more advanced.

Although the health risks clearly outweigh the cosmetic benefits for most women and teenage girls, the FDA approved saline implants anyway. The FDA will require that manufacturers provide detailed information about the risks to patients, but what does that mean? Will companies that misrepresented their data to the agency realistically portray the risks to their potential customers? It doesn't look likely.

Instead, the manufacturers are looking for more business. After the FDA announced its approval of saline implants, McGhan boasted that it would seek FDA approval for silicone-gel implants. The FDA's own research proves that this would be a tragic mistake. Scientists found that even among women who had not sought medical treatment for implant problems, almost 80% had at least one broken implant after 10 to 15 years. Even more worrisome, the silicone was migrating away from the implants in 21% of those women.

The FDA made no effort to publicize those results. Instead, it issues no warnings and still permits unapproved silicone-gel implants to be sold.

Consumers should have the peace of mind that the term ''FDA approved'' means that a product has been thoroughly tested and proved safe. Unfortunately, when it comes to breast implants, the FDA has placed the burden on women instead. Women will have to sift through the plastic surgeons' and manufacturers' glossy promotional brochures to seek the information they need because we can no longer rely on the FDA to look out for us.

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Washington (Mr. METCALF) is recognized for 5 minutes.

(Mr. METCALF addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

PROTECTING AMERICA'S NUCLEAR ENERGY SUPPLIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, I rise to speak about a subject that is of great importance to those who are Members of this House, but also to every citizen in this country.

Some 2 years ago, a decision was made to privatize the uranium enrichment industry in this country. The individual who oversaw that privatization, Mr. Nick Timbers, as a government employee was compensated around $350,000 per year. After privatization occurred, Mr. Timbers' salary went to approximately $2.48 million a year. I think it was a terrible conflict of interest to allow an individual who was in a position to enrich himself to be involved in the decisions which led this industry from being privatized.

The results of privatization have been very, very grave to this country. The American citizen needs to know that approximately 23 percent of all of the electricity generated in this country is generated through nuclear power, and, as a result of decisions being made by this privatized company, we are in danger of losing the capacity to enrich uranium and to create the fuel necessary to produce 23 percent of our Nation's electricity.

The Nuclear Regulatory Commission is charged with doing an analysis, and they must do an analysis to determine whether or not this private company can be depended upon to continue to produce a reliable domestic supply of nuclear fuel needed to meet our Nation's needs. It has come to my attention that the staff of the Nuclear Regulatory Commission has done their analysis and has taken that analysis to members of the commission, but they have been sent back to the drawing board, so-to-speak.

In the interim period, it has also come to my attention that the management of this new privatized corporation, and I have been told that specifically Mr. Timbers himself, is trying to interfere with the conclusions of the staff of the Nuclear Regulatory Commission. Put simply, this private company is now arguing that ''domestic'' does not include simply the material that is produced within the United States of America, but they are arguing that we should also include the material that is being imported from Russia as a part of the ''domestic supply.'' They are also arguing that ''reliable'' does not mean the ability to produce 100 percent of our Nation's needs, but ''reliable'' could mean 60 percent or 50 percent or 40 percent of our Nation's needs.

Mr. Speaker, it is important that this Congress not allow this external influence to affect the conclusions reached by the staff of the Nuclear Regulatory Commission. It is important for us as a Congress and it is important for this administration to say very clearly that ''domestic'' means the material that is produced within the continental United States. We cannot depend upon Russia to meet our domestic needs.

We should also make it clear that when we talk about reliable, we mean 100 percent of our Nation's needs should be met, not 60 percent nor 40 percent.

These are esoteric matters, but they are important matters, because if this Congress does not take responsible action, and if this administration does not take responsible action, we could find ourselves in a relatively short period of time being dependent upon foreign sources, especially Russian sources, for the fuel that it takes to generate 23 percent of our Nation's electricity.

Mr. Speaker, we know what happens when we rely too heavily upon foreign sources for oil. Gasoline prices skyrocket. But this Congress now has an

opportunity to prevent a calamity, to prevent a disaster from happening.

I am just beseeching my colleagues in this House to pay attention to this critical issue. Do not let this industry disintegrate. We must protect the enrichment industry in this country, we must protect the mining industry, we must protect the conversion industry in this country. If we do not, if we do not, in a few short years this country could find itself in an untenable situation where we must depend totally upon foreign sources for some 23 percent of our Nation's electricity. We cannot let that happen.

Mr. Speaker, I beg my colleagues, I beg my colleagues, to pay attention to this vital issue.

GETTING ARMED FORCES PERSONNEL OFF OF FOOD STAMPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Mr. Speaker, I come back to the floor after several weeks of not being on the floor to talk about our men and women in uniform that are on food stamps.

This photograph is of a Marine that is getting ready to deploy for the Balkans. In his arms he has his daughter, Bridgett, and on his feet is a little 2-year-old girl named Megan.

Mr. Speaker, we have done a great deal to help our men and women in uniform in the 6 years I have been here in office as we have tried to increase their pay, to improve their quality of life, and we have made some great strides. But, Mr. Speaker, the problem is, we still have men and women in uniform that are on food stamps.

Mr. Speaker, I feel, as do most Members of this House, that anybody that is willing to die for this country when called upon to protect our freedoms, they should not be under any circumstances on food stamps.

I felt somewhat compelled after July 4th, being home, and, like most Members here, I went to several parades, and at a couple of these parades the Marine Band was there and the Honor Guard, and I saw those Marines in their dress blues, and it just reminded me, not just of Marines, but any man or woman in uniform, whether it be the Army, the Navy, the Marine Corps, the Air Force or the Coast Guard, that we would have those in uniform that are on food stamps.

Here we are this week, again we will be debating another foreign operations bill, yet we find millions of dollars to send overseas. I know there is a need to have foreign aid, I am not saying that we should not be, but I think we do have an obligation to protect those in uniform first, those that are on food stamps. Quite frankly, I am quoting Daniel Webster who said, ''God grants liberty to those who love it and are willing and prepared to defend it.''

Mr. Speaker, we are fortunate to have the men and women in uniform that we have in the Armed Services of America, but, yet, again, I came to the floor because we have a bill that I introduced a year ago, H.R. 1055, that would help our men and women in uniform. I have over 100 signatures, Mr. Speaker, and that is both Republican and Democrat, and I continue to encourage my leadership, as I hope that Democrats who have signed this bill are encouraging their leadership, to say that we will not leave this year in October without helping those on food stamps, to do the very best to make sure that we have no one in uniform on food stamps. That might be somewhat idealistic, but I think it is worthy of our efforts to do that, to make sure that they are not on food stamps.

I want to share with you, because I have military bases, Camp Lejeune in Jacksonville, Cherry Point Marine Air Station in Havelock, Seymour Johnson Air Force Base in Goldsboro, and also a Coast Guard base in Elizabeth City.

Recently the Jacksonville paper, which is the home of Camp Lejeune, they did a feature on men and women in uniform that are at the bottom of the ladder, so-to-speak, as it speaks to their income, and this article said that there are 145 Marine families in Camp Lejeune, which again is in Jacksonville, that receive a total of $25,000 a month in food stamps.

I ask this, Mr. Speaker, that if we have 145 that are identified that go to the social services for food stamps, how many do we have in that area that are not going because of pride or because of some other reason?

So, again, I am encouraging our leadership this year, Mr. Speaker, before we leave in October, to please, let us work together in a bipartisan way to make sure that when we leave, that no one is dependent on food stamps in the military.

Mr. Speaker, I would like to close with a poem that I think is very appropriate for all of us in the Congress, as well as anyone in this country that maybe has not served in the military, to remember that the freedoms that we enjoy are guaranteed by those in uniform.

The poem was written by Father Dennis O'Brien, United States Marine Corps.

''Who has given us freedom of the press?
It is the soldier, not the poet.
Who has given us freedom of speech?
It is the soldier, not the campus organizer.
Who has given us the freedom to demonstrate?
It is the soldier,
Who salutes the flag,
Who serves beneath the flag,
Whose coffin is draped by the flag,
Who allows the protester to burn the flag.''

Mr. Speaker, I close with that, because, again, I want to remind the Members of the United States House of Representatives that we do have over 6,000 men and women in uniform which are on food stamps, and I would hope we would do everything possible to make sure when we leave again in October that we have very few in the military on food stamps.

□ 1800

ORDER OF BUSINESS

The SPEAKER pro tempore (Mr. SIMPSON). Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. UPTON. Mr. Speaker, I ask unanimous consent that the gentleman from Alabama (Mr. ADERHOLT) and the gentleman from Virginia (Mr. BATEMAN) switch places in the queue, as the gentleman from Virginia (Mr. BATEMAN) has an important dinner this evening, if we might do that.

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

There was no objection.

TRIBUTE TO RONALD LASCH, FAITHFUL SERVANT TO THE U.S. HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. BATEMAN) is recognized for 5 minutes.

Mr. BATEMAN. Mr. Speaker, I thank the gentleman for arranging the switching of the order. It is very gracious of him.

The Congressional Record of course will duly note whatever I say on the floor tonight, although perhaps few others will. But I feel compelled to come to the floor and share with my colleagues a deep sense of loss that I feel and that I think most every Member of this body will feel that our friend and our very faithful colleague or servant, Ronald Lasch, has chosen to enter retirement.

Ron was a great friend of all of us in this body, a great helpmate to all of us in this body. There are few that I have served with or worked with as a Member of the Congress who have been more effective in allowing me to do my job better than I would otherwise have been able to do it than Ron Lasch.

I remember Ron Lasch also as someone who was an ad hoc, but very, very effective and important, staff person or advisor to the members of the North Atlantic Parliamentary Group who represent this country in the meetings of the North Atlantic Assembly of NATO. His advice, his wisdom, his breadth of knowledge on the issues that we were debating and discussing was always something that we could look to and learn from. He was, indeed, a remarkable part of how this institution works and works better; and he will be very definitely and sincerely missed by so many of us.

Mr. Speaker, I yield to the gentleman from North Carolina (Mr. COBLE).

Mr. COBLE. Mr. Speaker, I thank the gentleman from Virginia (Mr. BATEMAN) for yielding to me. I came

to the floor for another purpose. Not only did I not know that Ron Lasch was retiring, I did not know we were having this Special Order, and my friend from Michigan asked if I would like to insert my oars into these waters lauding Ron Lasch.

Mr. Speaker, some call him the floor manager, some call him the Great Poobah or the Great Mogul. Oftentimes, Mr. Speaker, I would go to Ron, I would come in here perhaps from a committee hearing and I would be running late and I would go to him and I would say Ron, what is this vote, my dear friend? And he would instinctively grab his wallet. When you are calling me ''dear friend'' you are up to no good. But I never saw him in any way become impatient with us, and that is the same, Mr. Speaker, for the staff generally.

Last month I was at an event in the intellectual property community in this town with ORRIN HATCH, Senator HATCH, the gentleman from the other body, from Utah. At that hearing I said to those people, oftentimes we take staff for granted. Mr. Speaker, we have talked about it before. Staff is very essential to the well being and to the efficient functioning of this body. Sometimes we think it does not function efficiently; but I think, on balance, it does, and Ron Lasch is the epitome of that role. I know he will be missed, as the gentleman from Virginia just said. He will be sorely missed here.

Mr. Speaker, I thank the gentleman from Michigan (Mr. UPTON) for inviting me to share these few thoughts.

Mr. BATEMAN. Mr. Speaker, reclaiming my time, we are all delighted to be here and wish for Ron the very best in his retirement, but we want him to know how very much we will miss him.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). The gentleman's comments are well taken.

EFFORTS TO COMBAT ANTIBIOTIC RESISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, yesterday the House, for the first time ever, tackled the public health threat from antibiotic-resistant bacteria in our food supply.

On Monday, during debate on the agriculture appropriations bill, the House passed my amendment to dedicate an additional $3 million to the work of the Food and Drug Administration on antibiotic resistance resulting from the use of antibiotics in livestock.

Scientists and public health officials have known for decades that using the same antibiotics for food animals as for people could cause problems. Sixteen years ago my esteemed colleagues, the gentleman from Michigan (Mr. DINGELL) and the gentleman from California (Mr. WAXMAN), introduced legislation to curtail the use of human antibiotics in animals. But this amendment, Mr. Speaker, marks the first time this House has taken legislative action to stop Boyd resistance from agricultural overuse of these precious drugs.

Mr. Speaker, we thought we were winning the war against infectious diseases. With the introduction of antibiotics in the 1940s, humans gained an overwhelming advantage in the fight against bacteria. But this war is far from won. Last month, the World Health Organization issued a ringing warning against antibiotic resistance. Around the world, microbes are mutating at an alarming rate into new strains that fail to respond to drugs.

The mapping of the human genome project has been lauded far and wide in the past several weeks. Indeed, mapping the genome is a triumph that will lead to many breakthroughs in health care. But in the meantime, we are slowly, and in some cases, rapidly losing our precious antibiotics and putting ourselves at risk for diseases that we thought we had licked: tuberculosis, typhoid, cholera, dysentery and on and on and on.

We need to develop new antibiotics, to be sure; but we cannot give up on the ones we have and the ones that have been effective for decades. By using antibiotics and antimicrobials more wisely and more sparingly, we can slow down antibiotic resistance.

We need to change the way drugs are given to people, because clearly, they are overprescribed in the developed world and often not fully taken in the underdeveloped world. But we also need to look at the way drugs are given to animals. According to the World Health Organization, 50 percent of all antibiotics are used in agriculture, both for animals and for plants. The U.S. livestock producers use drugs to treat sick herds and flocks, as they should. But they also feed a steady diet of antibiotics to help the livestock so they will gain weight more quickly and be ready for market sooner. Many of these drugs are the same ones used to treat infections in people.

Prolonged exposure to antibiotics in farm animals provides a breeding ground for resistant strains of E. Coli and salmonella and other bacteria harmful to humans. When transferred to people through the food we eat, they can cause dangerous infections.

A few weeks ago, an interagency task force issued a draft ''Public Health Action Plan to Combat Antimicrobial Resistance.'' The plan provides a blueprint for specific coordinated Federal actions. A top priority action item in the draft plan highlights work already underway at the Food and Drug Administration Center for Veterinary Medicine. In late 1998, the FDA issued a Proposed Framework for evaluating and regulating new animal drugs in light of their contribution to antibiotic resistance in humans.

Mr. Speaker, my amendment, which is now incorporated in the agricultural appropriations bill, directs an additional $3 million toward the FDA Center for Veterinary Medicine and their work on antibiotic resistance related to animal drugs. Director Sundloff has stated the antibiotic resistance is the center's top priority. However, the ''framework document'' states the agency will look first at approvals for new animal drugs and then will look at drugs already in use in animals as time and resources permit. That is why the additional $3 million will give a significant boost to the ability of the Center for Veterinary Medicine to move forward on antibiotic resistance and to begin to look at those drugs already in use in animals.

More importantly, Mr. Speaker, this body finally this week took a proactive step to protect us from resistant bacteria in our food supply. If the Senate acts quickly and decisively, many lives will be saved, particularly among young children and particularly among our elderly parents, the people who are most vulnerable to food-borne illnesses.

TRIBUTE TO MAXWELL EMMETT ''PAT'' BUTTRAM AND AUGUSTUS MCDANIEL ''GUS'' BUTTRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. ADERHOLT) is recognized for 5 minutes.

Mr. ADERHOLT. Mr. Speaker, on June 19, 1915, a star and a humanitarian was born. Maxwell Emmett, better known as ''Pat'' Buttram of Addison, Alabama, in Winston County brought laughter and untold hours of sheer enjoyment to citizens across this great Nation. His film career spans 46 years from the early days as Gene Autry's sidekick to his parts as a voice in four of Disney's animated movies. Millions of television viewers will remember Pat for his role as the affable Mr. Haney in the television series ''Green Acres'' and ''Petticoat Junction.'' Pat had a keen wit in the style of Will Rogers and was a much sought-after speaker.

Pat was brought up in a Methodist parsonage, son of a circuit-riding Methodist minister. He was the seventh child in a family of five boys and three girls. Pat never forgot the early lessons taught by this strong, God-fearing family. Concern for others was a staple in the Buttram household. As Pat's fame grew, he used his celebrity status to perform in benefits and shared his time and talents to help those less fortunate. He never forgot his roots or the place he called home. He donated not only money, but also his time to help build Camp Maxwell near his home in Alabama. This camp has played an important part in the lives of youth and the handicapped.

Pat died in Hollywood, California, on January 8, 1994, and was laid to rest in his family church at Maxwell Chapel in Winston County, Alabama.

While maybe not as well known, Pat's older brother, Gus Buttram, who lives in my hometown of Haleyville, was equally committed to serving others. Gus was born on June 21, 1913. While in high school, Gus suffered a paralysis that was brought on by tuberculosis. After surgery and rehabilitation, he graduated from Altoona High School in Etowah County, Alabama. Following graduation from Athens State in 1942 with a bachelor's degree in science and history, Gus married Rebecca, better known as Becky Buttram, Eppes of Goodwater, Alabama, on January 18, 1943. He followed his father into the ministry as a fourth generation Methodist minister. His first church appointment was at Remlap Methodist Church in Blount County, Alabama. Over the next 3 decades he would have many assignments in north Alabama.

Gus and Becky's desire to serve others is unquestioned. Turning down more lucrative career paths, Gus and Becky enriched the lives of those they serve. Retiring in 1978, Gus and Becky live at Pebble, near Haleyville, in Winston County, Alabama. They take great pride in their children, Mary Buttram Young, who is a dialysis nurse at Helen Keller Hospital in Sheffield, Alabama and Marvin McDaniel, better known as ''Mac'' Buttram, who is pastor of St. Andrews United Methodist Church in Cullman, Alabama, and is a fifth generation Methodist minister.

Mr. Speaker, it is my privilege today to recognize these two brothers, Gus and Pat Buttram, for their unselfish service to others.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

(Mr. BURTON of Indiana addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

REVISIONS TO ALLOCATIONS FOR HOUSE COMMITTEE ON APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. KASICH) is recognized for 5 minutes.

Mr. KASICH. Mr. Speaker, pursuant to Sec. 314 of the Congressional Budget Act, I hereby submit for printing in the CONGRESSIONAL RECORD revisions to the allocations for the House Committee on Appropriations.

As passed by the House on June 29, 2000, H.R. 4425, the conference report accompanying the bill making fiscal year 2001 appropriations for Military Construction, Family Housing and Base Realignment and Closure for the Department of Defense, included emergency funding for fiscal years 2000 and 2001. Budget authority provided for emergencies totaled $11,163,000,000 for fiscal year 2000 and $28,000,000 for 2001. Outlays from those emergency appropriations are $2,078,000,000 for 2000 and $5,254,000,000 for 2001.

As reported to the House, H.R. 4811, the bill making fiscal year 2001 appropriations for foreign operations, export financing, and related programs, includes $160,000,000 in budget authority fiscal year 2000 emergencies. Outlays are $11,000,000 for fiscal year 2000 and $50,000,000 for 2001.

Accordingly, the fiscal year 2000 allocations to the House Committee on Appropriations are increased to $586,474,000,000 in budget authority and $614,029,000,000 in outlays. The fiscal year 2001 allocations to the House Committee on Appropriations are increased to $601,208,000,000 in budget authority and $631,039,000,000 in outlays. Budgetary aggregates become $1,483,073,000,000 in budget authority and $1,455,479,000,000 in outlays for fiscal year 2000, and $1,529,413,000,000 in budget authority and $1,500,260,000,000 in outlays for fiscal year 2001.

Questions may be directed to Dan Kowalski or Jim Bates at 67270.

IN GOD WE TRUST: A FITTING MOTTO FOR AMERICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. SCHAFFER) is recognized for 5 minutes.

Mr. SCHAFFER. Mr. Speaker, I rise today to draw attention to a resolution that I introduced earlier, the number of which does not yet exist, I am told, but will soon; but the resolution deals with our national motto, In God We Trust. That motto, Mr. Speaker, we will find about 5 feet etched on the wall from the position where we stand. It is also etched in stone across the Chamber in the Senate, across the Capitol over where the Senate of the United States meets.

It was during the Civil War, in response to a public desire for recognition of the Almighty God in some form on our coins, President Abraham Lincoln signed a law on April 22, 1864, introducing the motto ''In God We Trust'' to our coinage. On July 30, 1956, President Eisenhower signed a law stating that the national motto of the United States is hereby declared to be ''In God We Trust.''

□ 1815

The Federal courts have repeatedly upheld the Constitutionality of the national motto and its uses, and ''It is in the public interest to uphold, affirm and celebrate the national heritage and the traditions and values which have been the foundation and sustenance of our Nation, as well as elements vital to its future preservation.''

The portion which I just read was adopted just a few days ago in the State of Colorado by the Colorado State Board of Education. The purpose of that resolution was to encourage the public display of the national motto ''In God We Trust,'' and was introduced by the chairman of the State Board of Education, also the representative to the State Board from my congressional district, the Fourth District of Colorado.

It is on the basis of Colorado's action, which passed, by the way, nearly unanimously, on a 6 to 1 vote, that I come before the Chamber today and draw attention to the resolution that I have introduced.

The resolution I have introduced here in the United States Congress is one that further amplifies on the words of the State of Colorado and on Colorado's official position that the words ''In God We Trust'' are encouraged to be displayed in schools and other public buildings as the national motto.

This resolution expresses the sense of Congress that the national motto is one that is fit, fitting and appropriate to be displayed in public buildings across our great land. It is a reference to the Nation's highest religious heritage.

The national motto recognizes the religious beliefs and practices of the American people as an aspect of our national heritage and our history and culture. Nearly every criminal law on the books can be traced to some religious principle or inspiration.

The motto ''In God We Trust'' is deeply interwoven into the fabric of our civil polity. The motto recognizes the historical fact that our Nation was believed to have been founded ''under God.''

The content of the motto is said to be as old as the Republic itself, and has always been as integral a part of the First Amendment as the very words of that charter of religious liberty.

The display and teaching of the motto to public school children has a valid secular purpose, such secular purpose being to foster patriotism. That was reaffirmed, I might add, Mr. Speaker, by Gaylor v. United States in the Tenth Circuit Court back in 1996. It symbolizes the historical role of religion in our society, expresses confidence in the future, and also signifies hope and the instruction of humility.

There is a long tradition of government acknowledgment of religion in mottos, oaths, and anthems. The national motto serves the secular purpose of expressing confidence in the future, and encouraging the recognition of what is worthy of appreciation in society. The motto reflects the national sentiment that we are a religious people whose institutions presuppose a supreme being.

''All of the dispositions and habits which lead to the political prosperity, religion, and morality are indispensable supports.'' That was the statement of our first President, George Washington, during his farewell address.

''Whatever may be conceded to the influence of the refined education on minds of peculiar structure, reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle.'' That again was a statement that is a quote from President Washington's farewell address.

John Adams said, ''It is religion and morality alone which can establish the principles upon which freedom can securely stand.'' President Washington, again in his farewell address, said, ''With caution we must indulge the supposition that morality can be maintained without religion.''

''The role of religion in public life is an important one which deserves the public's attention.''

The signers of the Declaration of Independence appealed to the Supreme Judge of the World for the rectitude of their intentions, and avowed a firm reliance of the protection of divine Providence. That we will find in the Declaration of Independence.

The first Congress urged the President to declare a day of public thanksgiving and prayer, to be observed by acknowledging with grateful hearts the many single favors of Almighty God.

The first Congress reenacted the Northwest Ordinance, which states that ''Religion, morality, and knowledge, being necessary to good government and happiness of mankind, schools and the means of education shall forever be encouraged.''

And the Declaration of Independence demonstrates this Nation was founded on a transcendent value which flows from the belief in a supreme being.

The Founding Fathers believed devotedly that there was a God, and that the unalienable rights of man were rooted in him, as was clearly evident in their writings from the Mayflower Compact to the Constitution itself.

Religion has been closely identified with the history and the government of the United States. Our national life reflects a religious people who earnestly pray that the supreme lawgiver guide them in every measure which may be worthy of his blessings.

That we will find, Mr. Speaker, in quoting James Madison's Memorial and Remonstrance Against Religious Assessments.

Whereas these words ''In God We Trust'' are over the entrance of the Senate Chamber, and our national motto, as I mentioned before, is prominently engraved on the wall just here above us in the Chamber of the House of Representatives, and is reproduced on every coin minted by the United States, the Congress should encourage the display of the national motto of the United States of America in public buildings and throughout the Nation.

That is the basis of the resolution that has been introduced today. I urge Members to consider it favorably and to cosponsor the resolution, and to help defend it as it is considered by the House of Representatives.

GENERAL LEAVE

Mr. UPTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks to pay tribute to our friend Ron Lasch, who surprised a good number of us with his retirement earlier this week.

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Is there objection to the request of the gentleman from Michigan?

There was no objection.

TRIBUTE TO RON LASCH ON HIS RETIREMENT FROM THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. UPTON) is recognized for 5 minutes.

Mr. UPTON. Mr. Speaker, I wish to rise tonight to pay tribute to a very good friend, Ron Lasch. I came as a staff Member to this body more years than I would like to think ago, and Ron was always a friend, whether I was a staffer, whether I was a Member of Congress, whether I worked at the White House or here on the Hill.

For many years and many decades, in fact, Ron Lasch watched virtually every debate, every vote on this floor more than probably any other American, in fact. His retirement, his surprise retirement this week did catch a lot of us surprised because Ron Lasch was a good friend. He was a confidante, a member of the staff that would sit in the back that really did know everything. Yet, he did not tell everything unless he was asked.

We would ask him about amendments. Today, as an example, I chaired a hearing on our nuclear labs and the security that has been lapsing at them out West, a hearing that literally took 8 or 9 hours today. Lo and behold, as we had a number of votes on the floor, a number of us came to find out what the order of the amendments were, what precisely they did.

Ron Lasch was always one that could tell us. He had sat here during the debate. He knew what was going on. His word was his bond. You could rely on Ron Lasch to get the right information. It was a little trouble today sitting in the back trying to figure out which amendments were coming up and precisely what they did. It took a little extra time.

We miss Ron. We miss him already, not 24 hours after he announced his retirement.

As we would sit with him in the back, he had great patience. We would sit with him sometimes for 20, 30 minutes talking about things going on on this House floor, and continually Members would be coming asking him, what is going on, what time are we going to get out, what amendments are coming up? And always he had the same patience with virtually every one of us.

As we tried to work our will on this House floor, on parliamentary procedures, how to instruct conferees, how to have a re-vote, he had invaluable advice, as he knew all the rules. He made sure that he could train us, as well.

He had a wealth of information. At the end of every session he and I always had a little special thing. He had a little crystal ball, and I hope that he leaves that in the cloakroom, as he would make his prediction as to when we would get out of session, maybe what time, what day. Usually we were all wrong and he was always right.

As I look at the folks that have gone before him, the great folks here, the Billy Pitts, former Speakers, J.J. Cullen, he ranks with all of them. He knew what was going on. We are going to miss him.

When Jim Ford left this place, I think it was Roll Call or the Hill asked him about his thoughts. They said, You know, Jim, for all the years that you have been here, you could write a book, and based on the book sales you could probably go to the Bahamas. And Jim Ford's response was, no, I could buy the Bahamas if I wrote that book.

Well, Ron Lasch could probably do more than that. He loved this place. He had great respect for the institution. We will miss him, and I know the staff, Peggy and Jim and Tim and Jay, Joelle, Martha, all of us here will miss his wisdom, his insight, his hard work, his loyalty, and just him.

I yield to my friend, the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I thank the gentleman for yielding to me. I can only echo what the gentleman has said about Ron. Ron Lasch was my friend. As the gentleman from Michigan (Mr. UPTON) has said, when I first arrived here 28 years ago, he was one of the first people who greeted me.

I learned to enjoy, and not only enjoy but respect, his wisdom when it came to votes. He was one who could always say, this is the right thing for you, if you would like to see your way to vote that way. More than that, when I went through some trials and tribulations physically, he was one that watched out, with Joelle and Peggy, watched out for me and my health when I would get a little bit excited, and that happened quite often. He always was a great adviser and a good friend, and told me when I should in fact back down and go away for a while and come back when I had cooled off, and do what is correct.

He is not really gone, he is just retired. He will still be around, I am confident, and give us a little bit of advice whenever we will ask for it. He will always be part of my career in this great House of ours, this House of the people.

It is rare when we have an individual who is hired to work for a large body such as ourselves that stays stable and maintains the decorum and maintains the wisdom that is necessary to go forth with the job and to advise those that are elected.

We hired him, as we hire the Chaplain and other Members of this House who have served for us, but he became more than just a hired person, he became part of us. As the gentleman from Michigan has said, he is a person we will miss. I am sure there will be some who will replace him some day, but not too soon.

Ron, again, may I say, has been a great asset to this House. More than

that, he has been to me an asset for my career.

Ron, congratulations on your career. We will miss you, as the gentleman from Michigan has said, but in our hearts you will always be with us.

Mr. UPTON. Reclaiming my time, Mr. Speaker, I just want to note that there are a number of Members tonight that would have liked to have paid tribute. Because of the particular hour that it is, I just want to recognize them and recognize that their statements will appear. The gentleman from New Hampshire (Mr. BASS), the gentleman from Arizona (Mr. KOLBE), the gentleman from Tennessee (Mr. WAMP), and the gentleman from Michigan (Mr. EHLERS) all from the bottom of their hearts have nothing but good things to say about our friend, Ron Lasch.

We hope we see him, and we hope that he has some type of privilege so we see him in the weeks ahead, so we can pay our firmest respects for all of his hard work and great service to this country.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut (Mrs. JOHNSON) is recognized for 5 minutes.

(Mrs. JOHNSON addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

ON THE RETIREMENT OF RON LASCH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATOURETTE) is recognized for 5 minutes.

Mr. LATOURETTE. Mr. Speaker, I have served now in the House for 6 years, and this is the first time I think I have appeared on the floor to give a special order. There are some Members who have a lot on their minds and give special orders all the time. About some, like myself, some people back in my district say I do not have much on my mind at all.

But I will tell the Members, tonight I do feel compelled to come to the floor and spend at least part of that 5 minutes talking about the same subject that was talked about by my colleagues, the gentleman from Michigan (Mr. UPTON) and the gentleman from Alaska (Mr. YOUNG), and that is the retirement of Ron Lasch.

I came back stunned from our Fourth of July recess today to find out that Ron had gone into retirement. The House of Representatives, Mr. Speaker, is a little less rich today than it was before we went on recess.

□ 1830

When we first come here, it does not take us long to figure out who knows what is going on and who does not know what is going on. There are a lot of people they will tell us what is going on, but we find out rather quickly they do not. Ron Lasch was somebody we could always count on, someone who had not only our interests, but the body's interest at heart when he gave us advice.

The C–SPAN cameras in this Chamber focus on the Members. And I think a lot of people that watch these proceedings know that we have as the oldest serving Members of the House, the dean of the House, the great gentleman from Michigan (Mr. DINGELL), but I found out something today about my friend Ron Lasch he had been here for 44 years if you totaled up his service back to the time of a page, and I think that that rivals the time of the gentleman from Michigan (Mr. DINGELL) in the House.

Mr. Speaker, just a quick anecdote, if I could. A couple of week ago, I had the honor of chairing the proceedings on the Interior Appropriations bill. It was raucous. It was partisan; it was a bitter debate as the parties waged war over funding for the arts and funding for Indian education and all of the things that go into the Department of the Interior and related agencies.

And I got myself into a little bit of trouble, Mr. Speaker, during the course of that debate when I closed down a quorum call a little earlier than I probably should have. Some of my friends on the Democratic side of the aisle did not take that very well. They were not taking the debate too well, and they were not taking some of the reverses that occurred during the revotes on some issues very well.

At the end of about 20 hours of presiding over that bill, one of the first people that came from the back of the Chamber up to the Speaker's rostrum to tell me it was okay and everything was going to be fine, and I would still get my paycheck and be able to serve the next day was Ron Lasch, and that is exactly the kind of fellow he is, and I am going to miss him.

His counsel is invaluable. His knowledge is unsurpassed by almost any that come to work here, but more than that, his interest in us as people was what I will remember of his service here, at least the time that his service coincided with mine.

He would always take time to ask how my kids were. He always asked me what the weather was like back in Ohio. He always asked me, when I used to tend the garden, if the corn was knee high by the 4th of July back in Ohio because he had a passion for gardening as well.

So I know that today he has submitted his retirement and the official word is that he is not going to come back. And I hope he has a wonderful and fruitful retirement, but more than that, Mr. Speaker, I actually hope that he reconsiders that decision and he comes back and serves.

And I see my friend from Tennessee (Mr. WAMP) in the well and I would be happy to yield the balance of my time to him for whatever remarks he would like to make.

Mr. WAMP. Mr. Speaker, I thank the gentleman from Ohio (Mr. LATOURETTE) very much for the time. And certainly I join my colleagues in grateful appreciation to Ron Lasch who is a dear friend of mine, and I hope we continue to be friends as long as we live and beyond because so oftentimes I think the American people understand those of us that are in public office and who we are, but they do not know who is behind the scenes making the process work.

Ron Lasch is a creature of this House, having spent most of his life on this floor fully understanding the operations of this House, as my gentleman friend said, always knowing what the schedule might be but much more importantly understanding the history and the civility and the importance of this institution and always sharing it with Members.

Ron Lasch was born on the 1st anniversary of Pearl Harbor, December the 7th, 1942, and spent almost his whole life serving the United States House of Representatives, serving the Members. He would offer his advice to us when we asked it, but he would never offer it without us asking him first, and he would offer not just advice that you might get from some people that had an axe to grind or an agenda but the honest perspective of what is best for the United States House of Representatives. And I would tell you he is a dear friend, and the information is invaluable.

And he served the Speaker of the House, through so many Speakers of the House on this floor so well. Ron is the kind of person who would not even want us to be here paying tribute to him. He is not the kind of person who announced his retirement and then waited some weeks so that there would be receptions and all the hoopla around his retirement. He served quietly and effectively, but I will tell you when the greatness of this House is written, it would be a shame if Ron Lasch's name were not permanently enshrined here in the United States House of Representatives, because he gave his life to this institution.

He cares as much about the House of Representatives as any man that I have ever known or probably any person that I ever will know and that, Ron Lasch, is why I love you so much and I appreciate your dedication and service to this great Nation. Civil government is worthwhile. Civil government is worth our time and our effort, and it was worth your life's investment, from the House of Representatives and a grateful Nation, thank you Ron Lasch for a career of public service to the greatest Nation in the history of the world.

Mr. WOLF. Mr. Speaker, I want to join my colleagues this evening in recognizing the outstanding career of Ron Lasch.

This institution has been enriched by Ron's presence and his depth of knowledge of the legislative process. He could really be called, "Mr. House," because he's the expert around here. And he really has earned and deserves another title: The Honorable Ron Lasch. He's

a man of great honor and integrity. We've been enriched just by knowing Ron. He's been a stalwart and a steadying influence during some stormy times on the House floor.

Ron's leaving, for me personally, is overwhelming. I'm losing a great friend. He has always given me wise counsel. He's someone I could always count on to answer questions about the House schedule or floor procedure or some arcane legislative matter. In describing Ron, I'm reminded of that advertisement for one of the country's top brokerage firms: ''When Ron Lasch speaks, everyone listens.''

He's always been here and I can't imagine this place without him.

Ron, this is a sad day for this institution and for me personally. The pace of the legislative process and the peculiarities of the House floor can bring with them frustrating moments. You've made it a little more bearable around here, Ron.

I thank you for your untiring dedication to the House of Representatives, and I wish you godspeed as you leave and find a life outside Congress. We will miss you greatly.

HIGH PRICE OF PRESCRIPTION DRUGS PAID BY SENIOR CITIZENS

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. TURNER) is recognized for 60 minutes as the designee of the minority leader.

Mr. TURNER. Mr. Speaker, I yield to the gentleman from Michigan (Mr. CAMP).

RON LASCH

Mr. CAMP. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER) for yielding to me.

Mr. Speaker, I come to the floor to join my colleagues in recognizing the long service of Ron Lasch. He has been a very good friend to many of us in this House, and not just to new Members. I have been here a number of years and he has been friends and a good advisor to all of us. I think it is his judgment and friendship that most of us admire and respect.

As we rush to the floor to cast votes, he was somebody that you could always go to and count on for the judgment on what was happening on the floor and the real fine points of debate. But he was also a very good friend, and he was someone who you could seek advice from and certainly as a new Member that is important, but it is important every day of the year around here.

He was also somebody who really new how to keep the confidence but was not afraid to tell you when you needed some guidance or direction, and I think it was his plain-spokeness, his directness, his loyalty, his friendship, his high intellect. I think those are things that really drew all of us to him.

He will be sorely missed. I hope, in the next few days, we will all get a chance to talk to him personally and tell him how much we appreciate this service to this institution, to this House of Representatives, and I know that many Members on the other side of the aisle would come and seek his advice as well.

I know he will be missed greatly by all of us, and I just wanted to go on the record and state what a good friend Ron Lasch has been to me and to many Members of this House. He will be missed tremendously, and we wish him all the best in his retirement. And this will be opening a new chapter in his life, and I think that would be very exciting for him after 42 years of service to this House, it certainly is well deserved. I want to join my colleagues in wishing him all the very best.

Mr. TURNER. Mr. Speaker, I come to the floor tonight during this special order hour with my colleagues, the gentleman from Arkansas (Mr. BERRY), the gentleman from Texas (Mr. GREEN), the gentleman from New Jersey (Mr. PALLONE) and other leading Democrats to talk about an issue that we have worked on for at least 2 years now, and that is the problem of the high price of prescription drugs being paid by our senior citizens.

Mr. Speaker, I want to talk a little bit as we begin tonight about what I believe to be the coming crisis in health care for our senior citizens.

Just last week, most of us were in our districts over the July 4th holiday, and we had the chance to talk to our constituents. I had numerous senior citizens coming up to me and talking about the letter they had received from their HMO, from their insurance company telling them that as of the 1st of January, their Medicare choice policy, their HMO Medicare plan was going to be discontinued by their insurance company.

In fact, in East Texas, we have almost 5,000 seniors who are receiving these notices from their insurance companies, companies like Aetna, NYL Care, Humana are sending out notices to these seniors saying you are canceled, no longer can you have our Medicare choice HMO coverage.

Most of these seniors signed up for this option under Medicare, because an HMO lured them to sign up with the promise of some prescription drug coverage under Medicare, and these seniors are going to be greatly disappointed and very upset come January 1 when they find out no longer do they have access to prescription drug coverage under their Medicare+Choice program.

A good example of this came in a letter I received just yesterday. One constituent whose wife's name is Roxanne was dropped from NYL Care. Here is what this constituent's letter said to me, he wrote, our rights are being violated by the insurance companies and the politicians who are on the side of the insurance companies. My wife, Roxanne, he wrote, will end up in a wheelchair and possibly not able to walk again if she's denied the drug she needs. How many more Roxannes are out there, he writes, how many more Roxannes will suffer so the insurance companies and the politicians can get rich?

Mr. Speaker, well, it is a hard lesson to learn. Unfortunately, our senior citizens are learning the lesson and that is you just cannot trust the insurance companies and the HMOs. Our senior citizens are out there struggling trying to pay the costs of prescription drugs. They know the insurance companies are not taking care of them, and they know that the insurance companies simply want to make money, and they are not interested in what happens to them.

That is why over 5,000 seniors in my district are getting notices as we speak. When an insurance company decides to pull out of an area, a lot of people get hurt, a lot of people will be left without coverage all across this country come January 1.

Some of us here in this House on the Democratic side of the aisle do care about our senior citizens, the gentleman from New Jersey (Mr. PALLONE), the gentleman from Texas (Mr. GREEN), the gentleman from Arkansas (Mr. BERRY) and others have been working for almost 2 years trying to do something about the high cost of prescription drugs.

The sad fact is we know what works, and it is not the insurance companies' HMO plans. Just 2 weeks ago on the floor of this House, the Republican leadership passed a plan purportedly to help senior citizens with their prescription drug costs. It was a plan that said to the big insurance companies, you all offer insurance plans, prescription drug plans to our senior citizens and we will subsidize the costs for those who are at 125 percent of the poverty level and below.

Mr. Speaker, well, for starters we all understand that the problem of high price of prescription drugs does not just fall on those who are below the poverty level, it really depends not only what your income is, it depends on how sick you are.

I have an aunt who is a medical income person. She just got a new prescription from her doctor for a heart ailment that is going to cost her $400 a month. She is very upset. She let me know about it. She wants to know when this Congress is going to act. I told her I hope it was soon.

The Republican plan that was passed by this House by the narrow margin of 3 votes was an empty promise to our senior citizens. The Republican leadership let the private insurance companies control the prescription drug programs when the private insurance companies themselves were before this Congress for weeks before that vote telling us that they will not offer any prescription-only drug plans.

What really happened on the floor of this House is the big pharmaceutical manufacturers carried the day. After all, they had been running ads for weeks under a front group called Citizens for a Better Medicare, advertising

full page ads in the newspapers and ads on the television screens that said the answer to the problem of prescription drug coverage for our seniors is private insurance, private insurance, private insurance, and sure enough that is what the Republican leadership did, pass a plan saying that private insurance was going to solve the problem.

Mr. Speaker, well, we on the Democratic side of the aisle know that it is not going to solve the problem. In fact, even the insurance company knows that it is not going to solve the problem.

Listen to what the President of Blue Cross-Blue Shield had to say about the idea of prescription drug-only insurance policies for seniors. He testified it, referring to the prescription drug plan that was proposed by the Republican leadership, it provides false hope to America's seniors because it is neither workable nor affordable. That is what the insurance industry said about the plan that they are supposed to offer under the Republican bill.

The truth is, the Republican plan that was passed on this House floor by a margin of three votes is no plan at all. It might have made a nice press release over the July 4th holiday, but that is all it was, a press release. It is really interesting because my senior citizens in my district have already figured it out, and they were coming up to me over the July 4th holiday saying we know that bill that passed is never going to amount to anything for us.

The New York Times had an article in this weekend's paper about insurance companies rejecting the same proposal that we just passed that was passed a few months ago by the legislature in Nevada. The New York Times wrote about the insurance company spurning Nevada's invitation to provide coverage of prescription drug-only policies for their seniors.

□ 1845

When they advertised for bids by insurance companies under the legislation they passed, not one single insurance company was interested in the plan. The idea just does not work. It is just kind of like offering insurance for haircuts. It does not work because everybody needs one. Insurance companies understand that. It is not something that one insures.

Most all of our senior citizens need coverage for prescription drugs. That is why the insurance companies cannot offer one that is affordable. Frankly, it is an idea that simply will not work. Unfortunately, the Republican leadership in the House did not understand that.

So what does work? What does work is what the Democrats in this House proposed and were not even given the opportunity to present it on the floor and debate it, and that is to provide a prescription drug benefit under the Medicare program, a program that seniors have trusted since 1965 to help them cover the cost of their health care.

Our plan was affordable. It was voluntary. It was universal. It covered all people regardless of their income level. That is what our senior citizens deserve. I hope that when we celebrate the 35th anniversary of Medicare at the end of this month, we will be able to say that this Congress has acted responsibly and passed a real plan to help our senior citizens with their prescription drug costs.

It is time that we take that long-needed action. If Medicare were created today, there is no question we would have a prescription drug coverage. Back in 1965, only about 10 percent of our health care cost was taken up by purchase of prescription drugs. Today they tell us it is about 30 percent.

The truth is prescription drugs have done a lot of good things for us, but what good is the cure if one cannot afford the medicine? That is what my seniors are telling me, and they are right.

Citizens For Better Medicare advocated the plan that was passed. The big pharmaceuticals carried today. But our senior citizens today were big losers. I think it is time for us to stand up for our seniors and let the folks in this Congress who were on the side of the big pharmaceutical manufacturers understand that our senior citizens want better treatment than that.

After all, why should we give billions of dollars of taxpayers' money to insurance companies and big HMOs when they do not even want to offer those plans? Let us give the money back to our seniors in the form of lower drug prices, then we will have done something that helps those senior citizens.

I am very pleased tonight to be joined by the gentleman from Arkansas (Mr. BERRY). He serves along with the gentleman from Maine (Mr. ALLEN) and I on the Prescription Drug Task Force. We have worked for almost 2 years to try to bring some relief to senior citizens.

Mr. Speaker, I am pleased to yield to the gentleman from Arkansas (Mr. BERRY) and allow him to share his thoughts on this very important issue.

Mr. BERRY. Mr. Speaker, I thank the distinguished gentleman from east Texas (Mr. TURNER). It has been a pleasure to work with him all these years that we have worked on this issue. When we started, we did not think it would take this long, did we? But it has been amazing that it has been this difficult to get the right thing done.

I also appreciate the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. GREEN) for being here this evening and continuing to work on this issue.

As the gentleman from Texas (Mr. TURNER) spoke a few minutes ago so eloquently about this problem and about this scheme that the Republicans cooked up to try to make senior citizens think they cared, I was reminded of a story they tell in my part of the country about the fellow that raffled off a dead mule. The only people that got mad or the only person that got mad about that was the fellow that won it.

That is the way our senior citizens are going to be if we would be so unfortunate as to have this Republican scheme ever become law. They would be mad about it because they would find out that what they had was something worthless, a dead mule.

It is very disturbing to think that something like that could happen on the floor of this House. I do not think it will ever become law. But certainly we are going to do everything we can to prevent that from happening.

When Lyndon Johnson 35 years ago signed into law the Medicare bill, it was a great success. It has been a wonderful thing for our senior citizens. We had many senior citizens at that time that had no health care coverage. They just had to do without. When they got sick, they just got sick. They could not afford any health care. They did not get any. That is a shameful thing to allow to happen.

When President Johnson signed that bill into law, he made this comment, that we should never ignore those who suffer untended in a land bursting with abundance. I think that is a very powerful statement. I think he was sending a message to us today when he said that.

Prescription drugs are the basis of medical care for our senior citizens now. In the district that I am fortunate to represent, we have a large number of senior citizens that live only on Social Security. They do not have any retirement plans. They do not have any other income. Most of them have been able to provide for a decent place to live. They have a homestead.

They are able to make it just fine on their Social Security until they get sick and they have to start taking expensive prescription drugs, drugs that one can buy all over the rest of the world for a lot less money than what one can buy in the United States. This is a very disturbing thing that we have allowed the drug medicine makers in this country to take advantage of our senior citizens in such a way.

We have simply allowed these prescription drug makers to rob our senior citizens and throw them into abject poverty in many cases.

Our Founding Fathers, the last sentence of the Declaration of Independence, before they signed it, and many of those men thought they were signing their own death warrant, they said ''in support of this declaration, we pledge our lives, our fortunes, and our sacred honor.'' I think that, too, is a powerful statement. It led to this great Nation.

But as we have worked on this issue and done everything we know to do to get a good vote, to get this issue to the floor and get a good clean vote on it and do the right thing, I have thought many times what these Founding Fathers would think about this great Nation that they founded and this great

House of Representatives and this great Congress that they envisioned allowing this to continue to go on.

I have just got to believe that they would be ashamed of us. I have got to believe that if they were here tonight, they would keep us here day or night until we did something about this because it is an outrage that we continue to let the prescription medicine makers in this country rob the American people.

I think they would say, what is going on here? Why are you doing this? We talk about it on the floor as if it was a political issue. These are real people. They suffer real pain. It is not politics with the people that are affected, and we should realize that.

The prescription drug manufacturers in this country have hired some 300 lobbyists, that is over one lobbyist for every two Members of this House of Representatives, to do everything they can to not change their deal. They think they have got a great deal, and they want to keep it that way. The best information that we have is they will still make lots and lots of money. They will still be the most profitable businesses in this country.

But we have got to, as a Nation and as a Congress, allow our Americans to buy these medicines at the same prices that all the other countries get to buy them at. That is not fair to let everyone else get a much better deal than we do.

A few weeks ago, I was privileged to be on a mission to Cuba. As we visited with the representatives of the Cuban government about buying our food, about buying our agriculture products, and they were excited about that and they wanted to do that, and part of the discussion was food and medicine. We said, Well, you have expressed your desire to buy food. What about our medicine? They said, Oh, we do not want to buy your medicine. We can buy your medicine a lot cheaper than you can. We can buy it from Canada. We can buy it from Panama. We can buy it from Mexico. We can buy it from a lot of places a lot cheaper than you can.

Then they said something that made it really come home to me. They said, Why do you do that to your people? Why do you allow that to go on? Why do you allow these companies to rob your people? That is not right. They were absolutely right about that. I will never forget that moment when that was pointed out to us in a very powerful way.

We need a prescription drug medicine benefit for Medicare. We need to modernize Medicare and make it a great program that we know it can be and should be. To think that we are going to give the taxpayers' money to the insurance companies in the hopes that they would try to solve this problem when they have told us themselves we do not want any part of it, the gentleman from Texas (Mr. TURNER) mentioned this, it is like selling insurance for haircuts.

I have also heard it compared to selling insurance on the house one knows is going to burn down. Senior citizens are going to get sick. They are going to have to take medicines. That is the reason why this needs to be a Medicare benefit and not some insurance scheme that we have already found out over and over and over again it just does not work, as the gentleman has pointed out.

The HMO providers in Medicare are pulling out all over the country because it just simply does not work for them, and that is fine. But we have to recognize as a Nation if we are the great neighbors that we claim to be, we must take care of this problem, we must see that our seniors do not get robbed by the prescription makers in this country, and we have got to take care of this terrible situation that has been created.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Arkansas (Mr. BERRY) for his telling comments, particularly about his visit to Cuba. Even the Cubans understand that our senior citizens are getting ripped off and everybody in the world gets a better deal on prescription drugs than we do. That is really telling. I compliment the gentleman on his remarks.

I also want to mention the gentleman from Arkansas has been a leader, not only in our Prescription Drug Task Force, but in his sponsorship of the legislation that would allow senior citizens of this country, and all of us, to be able to buy drugs in Mexico or Canada, and we can do that legally. Obviously that is where we would all buy them because they get them for less than half the price that we are having to pay for them.

Mr. Speaker, I yield to the gentleman from Texas (Mr. GREEN). The gentleman from Texas and I served, not only here together, but in the State senate before. He is a leader on the Committee on Commerce on this issue, and he has worked long and hard to try to bring some fairness to prescription drug prices and to provide some benefit for our senior citizens of this area of great need.

Mr. GREEN of Texas. Mr. Speaker, I want to thank the gentleman from Texas (Mr. TURNER), my good friend and former Texas State representative, and I served with the gentleman from Texas (Mr. TURNER), Texas State senator, former mayor, and now Member of Congress, for putting together this Special Order tonight.

This is not a national security issue where everybody is only going to have to listen to folks from our part of the country tonight. We have the gentlewoman from Connecticut (Ms. DELAURO) and also the gentleman from New Jersey (Mr. PALLONE), so they will not have to hear Texas and Arkansas accents all this evening on this important issue. But it is a national issue. I know people just like to hear us because we talk a little slower. But no matter how we talk, I think we are united on this one issue because we know that, from Texas, we call it buying a pig in a poke.

I think what the House passed the week before the 4th of July was a travesty. It was something that the seniors can see through, and we said that on the floor. That is why I think it only passed by three votes as the gentleman from Texas said.

I am glad we are using this time to continue to explain the fallacy of that bill that was passed, that our Republicans colleagues had succeeded in passing a prescription drug benefit that provides more political cover than it provides for prescription coverage for our Nation's seniors. The legislation was designed to benefit the companies who make the prescription drugs and not necessarily our seniors.

Just like the Patients' Bill of Rights and education funding, my colleagues on the other side of the aisle are using their same old strategy. They water down legislation. They pass a caption that sounds good, but it does not have any benefit to our folks. Ultimately, it will be a failure because all they want to do is get them past the November election.

Congress, our own budget office, concluded that more than half of our Medicare beneficiaries who do not have drug coverage today would not be covered by the Republican private insurance plan. I cannot stress that too much. It is an insurance plan.

Like the gentleman from Texas said, it is like buying insurance against haircuts. Everyone of us needs one, although I have to admit some of us do not need as many as we did a few years ago, but we still get them even though we do not need them as much.

What is more frustrating is we did not even get the chance to offer an alternative plan. Again, not only is their plan bad, but they were so afraid to defend it that they thought maybe an alternative plan, and again we have a Democratic plan I will talk about in a minute, but any alternative they did not even want to have a vote on.

□ 1900

So not only do they pass a bill that I think is hurting seniors, but they are even subverting our process here in the House. All of us ought to have an opportunity to give choices.

In fact, it is interesting, I believe in free enterprise, just like my colleagues on the other side of the aisle, but I believe in competition. On the prescription drug benefit they did not want to have competition on their bill because it could not hold water to the alternative plan we had. The Democratic proposal provided both a universal and voluntary benefit to seniors. It was a cost effective and reliable benefit.

Under the Democratic plan premiums would be lower for seniors and coverage would be higher. That is why they did not want that competition they are always talking about. Instead, the House

of Representatives, by three votes, as the gentleman said, passed a flawed piece of legislation that will cost our seniors more each year and give them less. Some say the premiums could even double because it is a straight subsidy to the insurance industry who know that they cannot make money selling it, and it would be little benefit to our middle income seniors, seniors who just barely are above the poverty line and cannot afford the prescriptions that they have now.

It allows insurance companies to decide which drugs they would cover and how much they would charge. It would not be a guaranteed benefit and it would not be any standard benefit that our seniors could depend on. So our seniors would have to go back to their insurance company every time.

I have talked to lots of seniors over the last couple of years about this issue and they really want their prescriptions. They do not want an insurance policy. That is the frustration. I have met with seniors in my district, like the gentleman has in his district, and they have serious financial hardships due to the high cost of prescription drugs. They have been able to plan, as best they can, for their retirement, with Social Security as probably the biggest part of their income. They may have a little savings, a little pension, but they cannot afford $400 or $500 prescription medications. They have shown me their prescription drug bills at our town hall meetings, and I do not see how they survive.

These seniors have to choose between paying their bills, their utilities in the summer, and in Texas you cannot turn off the air conditioner or you will die of heat stroke. Just like those in the north, in the winter, would die of freezing. We do not want seniors to have to choose between turning off their air-conditioning or buying their prescriptions, or saying they will only take that blood pressure medicine every other day instead of every day, or even skimping on the food that they eat.

I know I will be meeting with these seniors again and again over the next few months, and it is frustrating because I will have to tell them, yes, they may have a benefit, but only if their insurance company decides they can have it. Again, it is going to depend on the insurance company. We should be putting benefits in the hands of senior citizens and not the pharmaceutical manufacturers. We should be providing a secure and stable and reliable benefit instead of creating a new bureaucratic nightmare.

The Republican plan created a new Federal bureaucracy. Not only insurance but it created a new Federal bureaucracy. Instead of using the current bureaucracy that we want to make more cost effective, we should be building up Medicare instead of tearing it down. Seniors deserve more than just a voucher. They need to have a real workable prescription drug benefit plan.

I hope this Congress ultimately will work across party lines and develop a bipartisan bill. We could not do it in the House. Maybe the U.S. Senate will take the leadership and provide a bill similar to the bill that we tried to offer. In the Senate they have more democratic rules than we do here in the House. That is with a little ''d'' not partisan ''d.'' Hopefully, the Senate will allow an alternative plan and it will have a meaningful Medicare prescription drug benefit for all our seniors.

Again, I could stand here all night, but we have our colleagues from New Jersey and from Connecticut here. Again, I appreciate the gentleman's leadership on providing this special order tonight. We need to keep beating that drum, because, frankly, that bill would not have been on the floor 2 weeks ago if it had not been for us talking about it over the last 2 years. We need to keep that up, because not only do we need the bill on the floor but we need real legislation that will help our seniors. I thank the gentleman for this time tonight.

Mr. TURNER. Mr. Speaker, I thank the gentleman from Texas. I share the gentleman's sentiments. I really do hope that we can get a plan that is meaningful passed in this session of the Congress. There is no reason we cannot.

I think what we went through the week before last on this floor was disappointing to all of us, seeing that Republican plan pushed through without any option to even debate our plan of putting it as a benefit under Medicare. It was a disappointment I think to all of us.

I know there is not much time left. And if this Congress wants to avoid the label of a ''do-nothing Congress,'' it needs to take some action on prescription drugs for our seniors. It is amazing. Before that bill passed on the floor of this House 2 weeks ago, the President said he was going to veto it. The time was to stop right there, get together, try to work together and work something out. People of this country are tired of this partisan approach to dealing with these issues. They want to see some real solutions and they expect us to get together and do that.

So I thank the gentleman for sharing his thoughts with us tonight.

The next speaker this evening is a gentleman who has probably been on this floor in the late evenings more than any other Member of this House, the gentleman from New Jersey (Mr. PALLONE). He believes passionately in the problems faced by our seniors, and he has been on this floor tirelessly working on their behalf.

It is a pleasure to yield to one of the leading spokesmen on behalf of our seniors on this issue, the gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. I thank the gentleman from Texas. And contrary to what the gentleman from Texas (Mr. GREEN) said, I think he said we enjoyed listening to the two Congressmen from Texas and the gentleman from Arkansas, and that is true, but I think more importantly than the way the gentlemen spoke, it is what you were saying. Because substantively I think that the gentlemen are really speaking about what the truth is.

One of the concerns that I have during this whole debate that we went through a couple of weeks ago on Medicare and on the issue of prescription drugs is that the Republicans are trying to disguise what their intentions are with regard to a prescription drug plan. All they are really doing, as some of my colleagues have pointed out tonight, is trying to say to our senior citizens that they should go out and try to see if an insurance company will sell them a prescription drug-only plan. And if they will, fine; and if they will not, tough luck.

As the gentleman mentioned, so many of the insurance companies and their lobbyists have come into Congress before our congressional committees, before the Committee on Commerce that I serve on, and said that they are not going to sell those policies. The example the gentleman mentioned about the State of Nevada, which passed, I guess about 3 or 4 months ago, something very similar to the Republican proposal, is that the insurance companies simply will not sell these policies. That is why it is not working in Nevada and that is why it will never work here, even if the bill ultimately passes, which is not what I think the Republicans intend.

I wanted to state very simply from my perspective the reason why the Democrats tried to put forward a real Medicare drug benefit. Basically, what the Democrats were saying is that Medicare has worked. It was passed back in the 1960s by a Democratic Congress. Lyndon Johnson was the President then. And if we think of it from the point of view of the average senior, it makes sense. Right now they know that under part A of Medicare their hospitalization is covered. They know that if they voluntarily decide, which most people do, to opt for part B, which covers their doctors' care, that they pay a certain amount of premium per month and their doctors' bills are basically covered with some kind of a copayment.

Now, what the Democrats are saying is we want to establish another part of Medicare, part C or D or whatever we want to call it, that covers prescription drugs. And just like part B that covers the doctors' bills, if an individual pays so much a month, an honest premium, then that individual will have most or a significant part of their prescription drug benefit paid for through Medicare. We are simply building on the existing Medicare program that has worked for the last 30 to 35 years, and we want to expand it now to cover prescription drugs. That makes perfect sense.

Why go through all these hoops and bureaucratic niceties to say, okay, we

will try to get the insurance companies to sell a drug-only policy, which they do not want to sell anyway, when we could simply expand Medicare to prescription drugs in the logical way we have included part B for doctors' bills now?

The Democrats are also saying that the Medicare benefit provides the guarantee that individuals will have and will be able to obtain any prescription drugs that are medically necessary. The key again is medically necessary. If the doctor says that an individual needs that prescription, that that particular drug is needed, then it would be covered under the Democrats Medicare plan.

The Republicans not only are telling seniors that their option is to go out and try to get somebody who will sell them an insurance policy, but they are also not saying what that insurance policy has to be, even if they could buy it, which they cannot. They are not telling seniors how much the premium would be, they are not telling the elderly or the disabled what kind of drugs the insurance company would cover. Basically, that is up to the insurance company to decide. Why, again, are we reinventing the wheel when we know we have an existing Medicare program that works and could be simply expanded to include prescription drugs?

The other thing I wanted to mention tonight, and I think is just as important, is that the Republican plan leaves American seniors open to continued price discrimination. The gentleman from Texas (Mr. TURNER) said that as well. There is nothing in the Republican bill to prevent the drug companies from charging whatever they want.

Now, what we said in our Medicare bill is by expanding Medicare to include prescription drugs, we will have the government basically choose a benefit provider in each region that will negotiate the best price. All these Medicare recipients, all these seniors, are now going to be in one program. I think there is something like 30 to 40 million Americans that would be eligible under this program. If these benefit providers are out there negotiating for a better price because they have all these seniors, they can get a significant discount. I do not know whether it will be 10 percent, 20 percent, or whatever it will be, but they will get a significant discount. So at least we are trying through our Democratic proposal to address the price discrimination issue. The Republicans are not even dealing with that.

I just wanted to mention two things, and I think the gentleman actually already mentioned it, about this article that was in The New York Times on Saturday regarding the Nevada experience. I do not think I have ever seen an article where they compare what was being done in the States as compared to what is being done in the Federal Government. We usually pride ourselves in the fact that the States sort of serve as the laboratories and do things, and if they work out well then we adopt them at the Federal level. We did that in the gentleman's State of Texas with the Patients' Bill of Rights. Basically, the Federal bill that the Democrats have been pushing is very similar to what the gentleman has in his State on HMO reform.

Here we have a situation in Nevada where they adopt a drug plan, and then what do the Republicans do in the House of Representatives? They copy the example, which is failing. Not the example that worked, like in Texas with the HMO reform, but the example in Nevada, which is failing; where they cannot get any insurance company to provide an insurance policy, and they adopt it here and say this is going to work.

I do not like to quote from newspaper articles, but I just cannot help lift a few things from this New York Times article because it is so much on point in basically explaining how the Nevada plan is exactly the same as what the Republicans have proposed here in the Congress. If I could just go through a couple of things here.

It says, ''Nevada has adopted a prescription drug program for the elderly very similar to one approved last month by the Republicans in the House of Representatives, but it is off to a rocky start. Insurance companies have spurned Nevada's invitation to provide coverage. The risks and the costs are too high, they say, and the subsidies offered by the State are too low. Nevada's experience offers ominous lessons for Congress, especially Republicans, who want to subsidize insurance companies to entice them into providing drug benefits to elderly and disabled people on Medicare.''

They go into how in March, as I mentioned and the gentleman previously mentioned, this was adopted. And I guess they have a task force, the way I understand it. There is a task force set up within the Nevada legislature that basically monitors the use of the money and decides whether or not, if an insurance company applies to sell these policies, that they would pass muster under the Nevada legislation. Apparently there was only one insurance company that was even interested, and they actually were disqualified under Nevada law.

The assemblywoman, and it does not say what party she is on, but who was the cochairman of this task force monitoring the use of the money says, and I quote, ''I have my doubts that any insurance company will be able to offer meaningful drug benefits under this program. If an insurance company does bid on it, but the benefits are paltry, senior citizens will be up in arms.''

And then it goes on to say how even in Nevada the insurance companies came to the State legislature, just like we had the lobbyists from the insurance companies here in Washington, came to the legislature and said they did not want to sell these policies, and they passed the bill anyway. We have the same thing here. We had, as mentioned again in the article, the Health Insurance Association of America, which is the trade association for the health insurance industry, they came before the Committee on Commerce and they told us that they did not want to sell the policies. And they have a quote in here from the Health Insurance Association of America saying they are not interested in selling drug-only insurance to the elderly.

□ 1915

I do not know how more clear it could be when the insurance companies tell you they are not interested, they are not going to sell these policies.

I do not want to keep reading from this article, but it is amazing to me that so many times, and I was in the State legislature in New Jersey, how you pass something in the legislature and it works and then you come down here and you say, ''That's a good idea, let's adopt it nationally.'' Why in the world would the Republicans use a bad proposal that nobody wants to use and come here and say this is what we should adopt as the national example?

The other thing I wanted to mention, because I did get into the issue of cost, is that the cost of prescription drugs continues to rise. There are so many examples over the last 6 months or the last 6 weeks about the increased costs. There was a survey that was done just before we left, I guess it was actually the week we were here voting on the prescription drug program, and this is again in the New York Times, it was a study released by Express Scripts of St. Louis on June 26. It said spending on prescription drugs increased a record 17.4 percent last year and elderly people experienced the largest cost increases. This was about the same time that we voted on it. It said that the statistics show why elderly people feel a pressing need for the coverage and why many Members of Congress are worried about the costs. Spending on prescription drugs averaged $387 a person last year, up 17.4 percent from the average the year before. But for seniors, the cost rose even more. In 1 year, a 17 percent increase.

Where are we going with this? We have to do something about it. We have to provide comprehensive coverage under Medicare and we have to address the price discrimination issue as well. The gentleman has been doing such a great job this evening and at other times in bringing this to the attention of our constituents.

Mr. TURNER. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PALLONE). I really appreciate his remarks. I am glad he brought this New York Times article to our attention. I read it myself. Sometimes things are so unbelievable that you have to say them two or three times before it really sinks in. I am a pretty trusting person, but the truth is the Congress did

exactly what the State legislature in Nevada did that had been proven through their experience was not going to work. And the same insurance company executives, the same insurance companies that testified before our committees and told our Congress that the Republican plan was not going to work told the Nevada folks that their plan was not going to work. They went ahead and did it, anyway, and then they advertised for bids, according to the article, and nobody wanted to apply. Nobody wanted to offer this prescription drug coverage by private insurance companies. It is just almost incomprehensible that the Congress of the United States would propose the same plan with the same insurance companies saying we are not going to offer it and it would pass this House. It did not pass with my vote or your vote or the vote of the gentlewoman from Connecticut (Ms. DELAURO), the gentleman from Texas (Mr. GREEN), or the gentleman from Arkansas (Mr. BERRY). Our Democratic side of the aisle was united in opposition. But the truth is some things are almost beyond belief.

I really was proud of our colleague the gentlewoman from Nevada (Ms. BERKLEY), who is a good Democrat representing Las Vegas when she stood up, and she was quoted in this same article, saying she did not understand why Congress would try to copy a troubled State program from her State, and I want to read her quote from this article because I was so proud of her standing up on behalf of our seniors, taking on the Governor of Nevada and she said this: Why in the world when it is not yet functioning for low-income seniors in Nevada would we try to replicate it for the millions of seniors who are desperately in need of affordable prescription medications? It took a lot of courage. I admire her for standing up for seniors in spite of the fact that her own Governor still says, well, he thinks somehow it is going work, even though there is no insurance company stepping forward to offer the plan.

Our next colleague to share with us is the gentlewoman from Connecticut (Ms. DELAURO). There is not a more passionate voice in this Congress on behalf of senior citizens than the gentlewoman from Connecticut. She is assistant to the leader. She works day after day tirelessly on this and many other issues of importance to the people of this country. It is a pleasure to yield to her on this very important issue.

Ms. DELAURO. I thank my colleague from Texas so much for his kind words and for organizing this effort, and along with my colleague from New Jersey of really being the leaders in this effort of trying to genuinely craft a piece of legislation that addresses what the crying need in the country is on some relief from the cost of prescription drugs. I would like to just say that that is what to me is what the contrast is. I know folks will say, well, you know, you are being partisan about this, but I think if you take a look and you listen to where my colleague the gentleman from Texas (Mr. TURNER) has been these last 18 months and the gentleman from Arkansas (Mr. BERRY) and the gentleman from Texas (Mr. GREEN) and the gentleman from New Jersey (Mr. PALLONE) and others, they have been a consistent voice for trying to bring some sense to this issue of the rising cost of prescription drugs and the fact that senior citizens are making decisions about whether they pay their rent or buy their food or buy their medication. That has not been in the last 2 weeks, not in the last month but over the life of this Congress. They have been out there day after day after day trying to do something about this. This is where I think the public gets this. I think the public really understands this. We found a matter of about a month ago that a report was written to our Republican colleagues by some folks in an organization called Public Opinion Strategies, and the report to our Republican colleagues was, ''You guys better address the issue of prescription drugs because it's a serious issue, and you need to show the public that you care. It doesn't make any difference whether you really care but let them know that you care. And that you better talk about a plan even if you don't have a plan, because it's important.''

We did not need someone from Public Opinion Strategies or anywhere else to tell us about the serious plight of people in this country and particularly seniors around the cost of prescription drugs. Nobody had to force that mantra on us if you stand the way you do with your constituents and your meeting with them and talking to them. I do office hours at Stop N Shops, large grocery stores, every week. If you are out there the way that you have been and you are listening to what people are talking to you about, you do not need someone from Public Opinion Strategies telling you to scramble around, put together something so that you can say that you care about an issue when there are folks like yourselves who have been on this floor day in and day out for the last 2 years, almost 2 years, talking about this issue.

If you took a look at the newspapers or the TV news a couple of weeks ago, you might have thought that this Congress actually did something to help seniors with the crushing cost of prescription drugs. There were our colleagues on the other side of the aisle running around, slapping each other on the back, holding press conferences and taking credit for helping seniors with prescription drug costs. But, sadly, that activity 2 weeks ago had more to do with the press conferences and the taking of credit rather than passing some real Medicare prescription drug benefit that people so desperately need. Quite frankly what happened here 2 weeks ago was a sham. That was because a Republican pollster and a handler told them that if they did not look like they were at least doing something, that they were going to pay a price in the fall elections. But the public is savvy and the public is smart.

What is interesting to me is that at the very time when our colleagues on the other side of the aisle designed a program that was going to be run through the private insurance companies or through the HMOs, and as you both have said so eloquently, people who came up here to testify from the industry said, ''We don't want any part of this. This is doomed to failure. We don't want to take on the risk.'' At that very same time, though you would think that the private insurance companies and the HMOs would be trying to at least curry some favor with the public or to at least give an impression of their wanting to do what insurance companies have been in the business of trying to do, and that is to share risk, that is what insurance is about, they then announced the first part of July that, wow, we are going to pull the rug out from under seniors by jumping out of the Medicare Choice Plus, that HMOs were going to get out of the Medicare business.

In my State of Connecticut, 52,000 people are now going to scramble to figure out what they do about their insurance coverage. If you want to add insult to injury, we have got a group of folks here who say, whoa, let's entrust the prescription drug benefit through these entities that if their bottom line is less than the profit margin that they want to make, not that they are not making a profit, but it is less than what they want to make, they vamoose, they go away and say, ''You're on your own.'' It really is mind-boggling that they would in the midst of this incredibly important conversation about trying to provide a benefit. It just says to me loud and clear that they are not interested. They are not interested in providing a benefit because they do not want to take on the risk, and they are not interested in providing health care coverage if it does not meet that profit level that they anticipate to make.

I met yesterday in two meetings with close to 350 seniors. I did that and brought in some folks to talk to them because the HMO coverage does not end until December 31, so that they have got some time. I wanted to try to reassure the seniors in my community not to panic because we are going to try to get some answers, try to get them some information where they can go back to the original Medicare, they can get a MediGap supplement and so forth, so that they should not feel that they had to jump before they had any understanding about what premiums were going to be, what benefits were going to be, et cetera.

One wonderful woman, she just darted up, and she said, ''Congresswoman DELAURO, I know you're telling us not to panic, but we are in a panic. We are. We don't know what we're going to do. We don't know if we're going to get coverage. We don't know if our benefits

are going to be cut. We bargained for this. What is going to happen to my prescription drugs?'' I am standing there saying to this woman not to panic, but they have every reason to be concerned. I am still going to reiterate not to panic because we want to try to see what we can do, but people are very concerned, and that is compounded because they joined these programs, many of them, because it held out a prescription drug benefit.

One woman in another meeting got up and she said, ''They wined and dined us. They met with us. They took us out for lobster dinners. They talked with us about this and then they pulled back. And this is just 3 years ago. They have now pulled back.'' Lots of those folks joined up because it was a prescription drug benefit because they are being choked to death by the cost of prescription drugs.

To just enforce what you have said and to associate myself with you, that on this floor we could see that they produced a plan on the other side of the aisle that put the fate of our seniors in the hands of these institutions who will not wait around to see whether or not something works and that provides a benefit to seniors. But again if the profit motive is not there, they are gone.

□ 1930

And they are gone in a heartbeat. That says something loud and clear to me about the values of those institutions, as well as the values of the people in this House who decided that that was the way in which we ought to deal with prescription drugs in our society today, because that is what this issue bears on, is the issue of values, what we believe are the priorities and what are the things that are important.

When you get to looking at budgets, they are living documents. They are living documents. It is about who we are as a country. And we have laid out a prescription drug plan as Democrats that I am proud of. I really am proud to stand behind this. It says, Let's go through a system that we know has made one incredible difference in the health care of seniors in this country. Ninety-nine percent today of our seniors are covered by Medicare, and it may have its warts and it may have some difficulties, but it has worked. It is tried, it is true, it is reliable, it is trustworthy, and seniors have come to count on it.

Let us work through something that has roots and that people do understand and trust and says it is defined for you, it is voluntary, it covers all of the seniors, everywhere in the country, and it will make a difference in driving that price down, and it will bring you some relief, so that while you are ill, you know you can get and pay for the medication that will help to make sure that you are healthy and that you are safe.

I am proud to be here with my colleagues tonight to talk about it, and I know we will every single night, talk about this issue which plays such an enormous role in the lives of families today.

Mr. TURNER. Mr. Speaker, I thank the gentlewoman from Connecticut (Ms. DELAURO) for sharing her thoughts on this issue. You talk about those seniors that you visited with over the July 4th recess, and I always come back to a lady that is my constituent down in Orange, Texas, that came into a little gathering that I had over 2 years ago at a local pharmacy there in Orange in Southeast Texas, when I went around for the very first time in my district to talk about the problem of the high price of prescription drugs and what I thought we should try to do about it in Congress.

She heard I was coming by a little newspaper article, and she showed up, a lovely lady, Mrs. Francis Staley, 84 years old, blind. She takes 12 prescriptions. They cost her about what her Social Security check is, $400-some a month, and she just came by to tell me that she appreciated that we were trying to help.

Now, there are a lot of Ms. Staleys out there, and there are going to be a lot more, as the gentlewoman from Connecticut (Ms. DELAURO) said, when these seniors start getting the notices that most of them are getting in my district and yours and that of the gentleman from New Jersey (Mr. PALLONE), saying that their Medicare+Choice plans are being cancelled by their insurance company.

As was said, most of the seniors that signed up for those plans did so because they wanted the prescription drug coverage that those insurance companies used to entice them to sign up in the first place.

We are truly headed for a crisis in health care in this country, specifically a crisis relating to prescription drugs, because you must know that the people that signed up for those Medicare+Choice plans were the very seniors who really needed the prescription drug coverage.

Now, our country is very prosperous. We live in better economic times than we have ever known. We have had record surpluses reported to this Congress, and, if we are the compassionate people that I hope we are, we can see our way clear to pass a meaningful, genuine prescription drug benefit under the Medicare program for our seniors. I truly believe we can.

THE GREATEST PROBLEM FACING AMERICA—ILLITERACY AND FUNCTIONAL LITERACY

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 6, 1999, the gentleman from Pennsylvania (Mr. GOODLING) is recognized for 60 minutes.

Mr. GOODLING. Mr. Speaker, I took this hour because I want to try to make sure that all the American people and all Members of Congress understand the greatest problem facing this Nation, and I repeat, the greatest problem facing this Nation. It is illiteracy and functional literacy. There are those in the chamber and out in the public who will say, Well, that is a local problem. There are others that will say, Well, that is a State problem. I want Members to understand it is neither a local problem nor a state problem, it is a national problem. Our survival as a great Nation will depend on whether we can attack the problem and whether we can solve the problem.

Let me just point out a few statistics from the National Adult Literacy Survey. This goes back to 1992, and therefore these figures are much higher even today. Forty to 44 million out of 190 million adults demonstrate the lowest basic literacy skills. Approximately 50 million adults have skills on the next higher level of proficiency. Forty-two percent of all adults who demonstrate the lowest basic literacy skills are living in poverty.

Does that not sound like a national problem? It surely does to me.

Adults in prison are far more likely than those in the general population to perform in the two lowest levels of literacy. Seventy percent of prisoners scored in the two lowest levels. This means they have some reading and writing skills. They are not adequately equipped to perform simple necessary tasks to survive in the 21st Century. Only 51 percent of prisoners have completed high school or its equivalent, compared to 76 percent of the general population.

I show the next chart simply to point out that many of those of us who serve in the Congress do not have the opportunity to serve large center city populations, and I show some of those large city populations: Los Angeles in 1997, 680,000 people; this city, Washington, D.C., 77,000; Miami, almost 346,000; Chicago, 477,000; New York, over 1 million; and on and on the list goes.

Now, even though we do not have the opportunity to represent some of these larger populations, we also realize that many in these larger populations are in those low levels of literacy, and so we should make every effort to understand the obstacles they face, such as unemployment, or the inability to be their child's first and most important teacher.

I want to repeat that: Inability to be their child's first and most important teacher. We found out a long time ago, unless some adult in that child's life can be that child's first and most important teacher, obviously you are not going to break the cycle of illiteracy. It will be too late by the time they get to first grade. Of course, their dependency on Federal assistance programs is well documented.

Now, the future of the great Nation depends on our ability to understand these problems facing illiterate adults, and then to find ways to correct the

problems so they, too, can achieve the American dream.

During the Sixties, Congress enacted a variety of programs to alleviate these problems stemming from illiteracy. The legislation was very well intended. Unfortunately, it was badly designed and badly formulated.

For example, the emphasis of the program was on covering the largest number of children possible and making sure money got to the right place. There were no oversight provisions and little emphasis on program quality. As a result, as the Federal Government we spent a lot of Federal tax dollars with no measurable success in improving the literacy skills of those most in need during the first 10 years particularly of those programs.

Head Start is one example. It started out as a program where they tried to see how many children they could cover, and used most of the money for that purpose. Unfortunately, there were very few early childhood people to be hired. There were none at $10,000, so the program became a baby-sitting program. The program became a poverty jobs program. Even today, with all the quality features that we have added in the last two reauthorizations, the Head Start teacher's salary is about $19,000 compared to the average K through 12 teacher's salary of $35,000.

These programs were programs that were rightfully thought of in relationship to what are we going to do to save this Nation, because all great nations fall from within, and one of the ways for us to fall is to continue this large number and growing number of illiterate and functional literate.

Being illiterate and functionally literate is nothing new. The difference, however, is at one time you could get a job, you could support a family. That is gone forever in this high-tech society that we now live in. A functional literate is no longer someone that can read and comprehend at 6th grade level. A functional literate is someone who cannot read and function well at a 12th grade level. This will just continue to grow and grow.

Chapter I, the same story. It was certainly the right idea to try to make sure that you closed the achievement gap between the advantaged and the disadvantaged. Unfortunately, again, very little effort was made to design a program that could do that, and the auditors only looked to see whether the money got to the right place. They did not look to see whether there was quality in the program. So we did not close that achievement gap.

Yet it was a block grant. I repeat, particularly for my side of the aisle, it was about as pure as it could be, a block grant, as long as you used the money for the children for which you were to use that money. How you did it was entirely up to you, and, as a superintendent, of course, we never knew how much money we were getting until October or November, when all the plans should have been made long before school began.

In one of the recent reports, it said that in relationship to Title I, in the period covered by the study, children in high poverty schools began school academically behind their peers in low poverty schools and were unable to close this gap in achievement as they progressed through school. When assessed against high academic standards, most students failed to exhibit the skill and mastery in reading and mathematics expected for their respective grade levels. Students in high poverty schools were by far the least able to demonstrate the expected levels of academic proficiency.

We got the same results from the 1998 NAP test, again, pointing out that a large number of children in poverty schools, in low performing schools, with low expectations, were doing very, very poorly on the NAP reading test, scored below basic on all of these tests.

I realized as a superintendent that I was not using Title I money very well. No one was, because, as I said, half the time we got the money long after school began. No one said what it was we were to accomplish, so I did what most did, we decided somehow or other we are going to teach junior high school and senior high school children how to read. We did not know how to do that. Little or no research was there to help us, and no one equipped to do it.

□ 1945

So we said, well, we will bring first grade teachers in, our best reading teachers in first grade. Of course, that was a disaster primarily because, first of all, they were not used to dealing with teenagers. They did not understand, first of all, that the one thing that these teenagers did not want to admit was the fact that they could not read. Secondly, they really did not see the necessity of this order to be able to read. So that did not work either.

I finally said to an early childhood staff member, an outstanding member on my staff, we know every parent that did not graduate from high school. We know every older brother and sister that did not graduate from high school. Is there not something we can do to prevent that from repeating itself with all of the rest of the members of the family and their children and their grandchildren? And she said, yes. We can make very, very sure that every child who comes to first grade is reading-ready. I said, good. How are we going to do that? Well, we will take our Title I money and we will work with 3 and 4 year olds, but we will also work with their parents because, as she said, it is very, very important that the parent can be the child's first and most important teacher.

It was amazing to not only watch what happened to these children, but to watch what happened to the parents, parents who would never come to a PTA meeting, who would have been embarrassed. When they got the necessary literary skills and when they understood what it is one can do to help a preschool child to become reading-ready, they not only became participants in school activities, PTA, et cetera, but they became leaders.

That is an experience that encouraged me to introduce the Even Start program which I introduced many, many years ago as a member of the minority. I was told at that particular time that as a member of the minority, you are not going to get any program, I will guarantee you. Then when I got the program, they said, now I will guarantee you you will never get any funding, but we got funding, because we convinced enough people that if we are going to break the cycle of illiteracy, we have to deal with the entire family. I do not know why it took us so long in this country to understand that, but it has taken us a long, long time.

Looking at the next chart, I have critics who say, well, the program has not worked very well. I want to point out, when we look at a study of intensive, high-quality Even Start programs and we do it in a scientific manner, we will discover the following: 62 percent of those seeking certification from the program got their GED, got their high school certification. Fifty percent of those not currently enrolled in an education or training program are now employed. Forty percent of the parents continue to seek employment and enroll in education and training programs. Forty-five percent of the families reduced or eliminated their reliance on public assistance. I would say that is a pretty effective program. How nice it would be to duplicate that over and over again all over this country.

Children are ready to enter kindergarten, as indicated by their teachers. Eighty percent of the Even Start youngsters rated as class average or above. Seventy-five percent of third grade children from Even Start continue to perform average or better in their classes as judged by their teachers, which is something we have never been able to accomplish before, because there never seemed to be a carryover with any of our preschool programs. Children perform well on formal assessments, 60 percent at average or better in reading, 80 percent in language, and 70 percent in mathematics.

Looking at the next chart, because it deals with what I just talked about, as to what the benefits are for the children, if we could just wait for the next chart, but first, this is what I just indicated is how we have helped the children in the Even Start program.

Now, looking at the next chart, what has it done for parents? We will discover that parents spend more time supporting the education of their children at home, including helping with homework, reading, and playing, helping that parent become the child's first and most important teacher.

So many of us in the Congress do not understand that that is not the typical family that we think is out there. They

need this kind of help. Parents are more active in their children's schools after attending Even Start programs; parents become contributors to their communities through working in schools, neighborhood development organizations and neighborhood improvement projects. Additionally, 4 years after exiting the Even Start program, the average savings to the taxpayer each year in welfare costs is enough to pay the cost for one family for one year in the program. In essence, the program pays for itself.

Now, to make sure that we do not get trapped in the same trap we were caught in as far as Head Start was concerned where we did not go out early on and talk about quality and make sure that, as a matter of fact, there were quality programs helping children, and did not insist that in Head Start they deal with the parents, in order to make sure that that does not happen in Even Start, we have developed the Literacy Involves Families Together Act, the LIFT Act. As I said, we put the improvements in there to make sure that all of these programs that I talked about in these surveys, programs of excellence, will be the program all over the United States. We will not have weak programs.

But it was amazing when I read this weekend an article in my local newspaper and it was about Even Start. Now, one editor of one publication who is supposed to be totally concerned about families did not believe that the Federal Government should be involved in Even Start because that means getting involved in family lives. What a tragedy. If one is really a supporter of families, if that is one's aim, if that is what one's group does, then it seems to me the first thing one can do to help preserve that family is to make sure that one has a literate family, to make very, very sure that one has literate adults in that family, so again, that they could keep the family together, because they can get the jobs in order to move up the scale, so that they can provide for their families. But, most importantly, so that they can be the child's first and most important teacher.

If one is involved in one of these family groups, one has to get behind these kinds of programs. Because, first of all, why should these people not have the same opportunity to home school as anybody else? Is that not what we say oftentimes as a family group, how important that home schooling is? Why should these parents not have the same opportunity? They do not, until they get the literacy skills that they need in order to do that.

Unfortunately, what I worry about is that so many of us, our concept of a family, the traditional nuclear family of 2 loving parents and grandparents, is for 50 percent of the youngsters in this country, a pipe dream. That is all it is to them.

Now, I do not understand why that editor does not understand that, and I surely do not understand why her boss does not understand that, who is much older, because I learned 60 years ago that my idea of what a family was and is was not quite right in relationship to many other children in this country. Sixty years ago I left, after 8 years in a 2-room country elementary school, finished 8th grade and therefore I had to go on then to Center City for junior high school and then senior high school. When I arrived in Center City, and this was a small city, and that was 60 years ago, I discovered that there was not a loving mother and father for every one of these children that I am now attending school in Center City with. There is not a loving grandparent living next door. There is not a parent home who is literate enough to be the child's first and most important teacher. The reality is that many children today do not have such a family, and anybody who is out there promoting families and who constantly talk about the importance of the family, and that is what their organization is all about, certainly has to understand that.

Mr. Speaker, similar arguments were made when we tried to consolidate over 60 job training programs spread over every agency downtown. The left-hand did not know what the right-hand was doing, and people were not getting the proper job training for the programs and the jobs that were available in the 20th and now the 21st century. But we got the same argument again, that somehow or another, we are going to place these children in little cubby holes from the day they are born, and I suppose they believe that every child should be a 4-year college graduate. What would they do? We only need 25 percent of our population as 4-year college graduates to do the jobs that are available and will be available.

Now, this article also quoted in one of the local newspapers that Members of Congress were saying, well, there are mixed reviews about the success of Even Start. Of course, what they were talking about was there was a question in relationship to the evaluation of these programs, and I agree there was a question about the evaluation. That is why we had an evaluation done that met all of the requirements that we need if we want to have a legitimate evaluation. And we used the evaluations that the gentleman is talking about to improve the Even Start program and, as I indicated, our LIFT legislation does.

For example, one of the evaluations pointed out the need for intensive services in Even Start projects. The law was modified to require intensive services for participants. So again, the current Literacy Involves Family Together Act continues to make modifications to Even Start to improve the program quality and strengthen the evaluation. In each area, scores for participants at the end of 1996 were compared to those at the beginning of that year with Even Start participants showing significant improvement in each area.

Looking at chart 6, Members occasionally say, but we need to spend this money on other programs, and one of the things that I hear constantly is that we need to get to the 40 percent of excess costs when we fund special education. I am glad to have these converts in the Congress. For 17 years I stood here myself, and about the only help I got was from the gentleman from Michigan (Mr. KILDEE) from the other side of the aisle, and later on, from the gentleman from Maryland (Mr. HOYER), saying that one does not mandate IDEA, but we pass laws that would tell local districts that if they do not do what we say they must do in Special Ed, they are going to be in trouble because of civil rights laws, et cetera. So the districts, of course, said, well, if we are going to have to do it, then we might as well do it exactly as the Federal Government says so that we do get some support. Because, after all, the Congress, when they passed it, said, we will give you 40 percent of the excess costs to educate a special needs student. Sometimes, that is 10 times, 15 times, 20 times greater than when it costs to educate a nonspecial needs child. If we take the average cost over the United States several years ago to educate a K through 12 child, it is about $6,300. If we gave 40 percent, we are talking about every Special Ed child should get $2,500 from the Federal Government for that purpose. Well, that did not happen. It did not happen. The last couple of years, I am happy to say, we are now beginning to work toward that mandate.

This chart, for instance, will show, first of all, that this is what the President requested in 1997 in yellow, this is what the Congress did in 1997 in red, and on over, 1998, the same, yellow is the President, red is the Congress; 1999, and the year 2000.

□ 2000

So Members can see, we are finally working towards that. But I have told them every time I have spoken on the issue that unless we stop the overidentification, we can never get to 40 percent. There is not enough money in the world to get to 40 percent.

Where does overidentification come from, primarily? It comes from the fact that children are in special education, and many times the only special need they have is the fact that they were not reading ready when they came to school. So there they are, at the end of first grade and they cannot read. They are either socially promoted or failed, and it pretty much ends really their enthusiasm and interest in school. Even though they cannot drop out until much later, they really dropped out, as far as improving academically.

Well, do not then take the money from an Even Start program that is working and say that we are going to take it in order to fund special education. We are just complicating the

problem. If we cannot stop the overidentification because of reading problems, then we can never get to 40 percent. There is not sufficient money to do that.

But it is much, were cheaper to make sure that children are reading ready. Again, I go back to the fact that that can only happen if some adult in their preschool life is able to be their first and most important teacher.

So we have dramatically increased, 19 percent in 1997, 17 percent in 1998, 13 percent in 1999, 16 percent in the year 2000, funding for Special Ed. The reason that is important is because the local school districts must take their money to fund the Special Ed programs, and they must take it away from all other students in order to do that.

Looking at the next chart, I would point out, as I said, if we cannot stop the overidentification and if we cannot stop the number of new children coming in each year, these increases that I just talked about in money evaporate because the increases in numbers into the program continue to go up.

So if we look at this chart, we will notice that in school year 1996, 1997, we had $5.796 million in Special Ed Part B of IDEA, but if we look on, it was almost $6 million in 1997–1998; again, higher as an estimate in 1998–1999, because we do not have the exact figures. This coming year we are looking at $6.262 million as an estimate.

So we have to stop increasing the numbers. One of the ways we stop increasing the numbers is to make sure that children are reading ready by the time they come to first grade. I again repeat that will be if some adult, their parent or some adult in their life, is functioning well as their first and most important teacher.

Looking at the next chart, because in this newspaper article, remember, also, how many families can we help with $150 million? We get the argument all the time with the Job Corps. I had to fight to preserve it over and over and over again, because they said, it is expensive. Yes, it is expensive, but Job Corps is the last chance these young people will have. From that point on it becomes really expensive, because we are the victims of their crimes. They are incarcerated, and it becomes very, very expensive.

But looking at this chart, when we talk about what can we do with $150 million, my answer is, a lot, a lot. We only had $14 million in 1989, but we were able to serve almost 6,000 families: 6,000 families that were going to break this cycle of illiteracy, 6,000 families that were going to be able to get off of welfare, 6,000 families that were going to be able to climb the ladder of success and get out of poverty.

In 1990, we got $24 million. That took us up to 16,000 families. In 1999, we got to 49 million, and we were up to 38,000 families. The last figure we have is 1996, and we are up to almost 91,000 families; 91,000 families, again, 91,000, many able to get their high school diploma, many went on to higher education, many went on to training programs so they could get a piece of the American dream. Many became that first and most important teacher in their child's life.

See, the beauty of the program is that that is not the only funding. The program encourages significant financial contributions from States, from local businesses, and from the private sector for a very small Federal investment.

This article also said that this Member wanted to make sure that we had an audited Department of Education. I do not know what this has to do with this, because we passed in the House of Representatives legislation and said we want that audit, and there is good reason to want that audit. I supported that. But it has nothing to do with Even Start.

And it says that the audit of several Department of Education programs must happen. As I said, I supported that. The article also said that the person wanted an audit of AmeriCorps.

Welcome to the crowd. When it came to the floor again, if Members will check the records, the one voice who spoke so loudly against it, not because it did not have merit but because it was totally misdirected as to how it should have unfolded, but when we think of the cost, it was promised as a program that was going to help young people get a college education; a pretty expensive way, because it is $29,000 or $30,000 per person. Only about one-third of them have taken advantage of college.

The major problem was that it set up a new bureaucracy, a new bureaucracy here and many new bureaucracies in every State to carry out the program. We had a college work study program already funded, already set up in operation, and all we had to do is say that a portion of that college work study grant had to be students participating in community service. Then we would have had all of the money to help more students, instead of paying bureaucracies in every State and in the Nation's capital to carry out the program.

But I did not get much support, so I am glad to hear that there are some converts along that line.

Let me just talk a little bit about this chart, because I want to point out just how different it is had we gone through work-study in relationship to bureaucracy and going through AmeriCorps.

Members can see, this is the Federal involvement, the State involvement, the grantee organizations, and then the individual on this side. That is, by going through this creating a new bureaucracy. We see all those arrows to give us an indication of what I am talking about.

Then we look on the other side and we see an existing work-study system already set up. We see how few arrows there are there, how few bureaucrats are involved in carrying out that program.

The point I am making, of course, is that all of this money that these people are collecting could have been gone to help children, young people, become college students and college graduates. Unfortunately, the money went into the bureaucracy.

Now, looking at chart 10, due to problems with illiteracy in the United States, we have had to go outside of the country to obtain the skilled work force required for many jobs. What a crying shame. We have had to go outside of this country to get the talent we need to carry out our high-tech employment opportunities and responsibilities. This will show Members what we have been doing as a Congress.

One of the reasons that I am so tempted to vote against it this year is because of my fear that we will not tackle the problem domestically. We will not do anything about preparing our own to do these $40,000, $50,000, $60,000 jobs. We will just rely on going outside this country to get that kind of talent.

Obviously, what is going to happen to our own people? Who is going to support them? The taxpayers that are fortunate enough to have the jobs, I suppose, to provide the tax dollars to do that.

This shows Members what we have been doing. In 1998 we went outside the country to get the people we needed. In 1993, in 1994, and we keep going up. The real tragedy is, the next time we have to vote we are going to vote to increase 200,000 each year for 3 years. That is 600,000 more people who we have to go outside of our country to bring in to do the high-tech jobs that are here.

That means our people who are at low levels cannot climb that ladder of success, cannot hope to get a piece of the American dream. They are not prepared to do that. I have said over and over again that if we keep relying on this H1(b) Visa business we, too, will fall from within. There is no way we can possibly survive as a great Nation unless we can provide the necessary manpower to do the high-tech jobs that are out there.

And high-tech jobs are going to become more high-tech. Wherever I speak, we used to say years ago, get that kid off the street and put him in the service. That will straighten him out. That is the last place I want to see them today. Those missiles will be coming back at us, rather than going where they are supposed to, because we have a high-tech military. Are we going to import people from other countries to provide the high-tech military that we need? We have to prepare them here in our own country.

We then also get into this business of comparing apples and oranges. We just love to say how poorly we are doing, and we do a broad brush. We compare ourselves with other countries. We not only compare students who are in high-achieving elementary and secondary schools, we compare all students.

We compare students where there is nothing expected of the student, no

high expectation. We will compare that with a Japan, where 50 percent of 3-year-olds and 92 percent of 4-year-olds are in school, most of it paid by public sources, some by private sources. In Germany, 53 percent of 3-year-olds and 78 percent of 4-year-olds are in school, almost all of which is publicly financed. In the United Kingdom, 47 percent of 3-year-olds and 92 percent of 4-year-olds are in school, almost all of which is publicly financed.

Then as we watch as they progress, oftentimes, and I guess it is still true in Japan, what they are going to do in life was pretty well determined by the kindergarten they got in. This was true throughout the industrial world. Oftentimes when someone got to middle school, that decision was not made by the person, what they were going to do, it was made by what the test results were.

So we have to be careful when we compare apples with oranges when we say how poorly we do. Yes, 50 percent of our children unfortunately are in failing situations. Yes, it is a Federal issue. It is a national issue.

Our forefathers would be dumbfounded that there would be those in the Congress who would try to hide behind what they have written as our founding documents to say that there is no responsibility on the Federal level in relationship to functional literacy and illiteracy in this country, that it is strictly a State and local responsibility.

When I tried to improve Title I, I got the same story from our side of the aisle, Oh, we cannot demand excellence from those programs. Well, it is the taxpayer who is paying for the program. Should we not demand excellence for the money we are spending, the taxpayers' dollars?

□ 2015

Let me close by reading an editorial I recently saw in the Easton Express Times, which is a newspaper that is not in my district, but in the State of Pennsylvania, and I will just read a portion of it. ''The Even Start learn-to-read program deserves increased Federal funding. Few things can narrow people's lives more than being unable to read. While other ways exist to get news and information about the world, illiteracy keeps its victims from reading danger warnings, understanding provisions of a contract, or discovering the joy that a good book, magazine or newspaper can provide. It can also limit a workers advancement or prevent employers from hiring workers,'' as I just pointed out how we are going outside this country to get all of those workers, ''certainly a present-day problem with low unemployment.

''Thus, it is entirely appropriate for the Federal Government to continue to take the lead in sponsoring programs that will empower people by teaching them to read. One such program, Even Start, which has been in place for 6 years locally in Easton is under the funding microscope.

''Even Start teaches parents how to read so they can work with preschool children on reading, and also provides preschool care and education.''

The project director says ''the program's goal is to break the cycle of illiteracy and poverty by improving educational opportunities for poor families. Further, programs like Even Start serve as a sound investment to prevent the continuing cycle of poverty.''

And then the editor says ''who among us would argue against breaking the changes that link many people to a life of destitution? Who indeed.''

I repeat, how can we say it is anything other than a national problem when it is probably the one major problem facing us that could bring this great Nation down from within.

Mr. Speaker, I would encourage all on my side of the aisle to understand that what we may think of as that ideal family and the help that they get from their parents may not be true for 50 percent of the youngsters in this country; they need our help. We need them for a great future.

MANAGED CARE REFORM

The SPEAKER pro tempore (Mr. TAYLOR of North Carolina). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I am going to speak tonight on managed care reform, HMO reform. About a week or so ago, the Senate had a short debate and voted on the Nickles amendment, which was the GOP Senate version of patient protection.

Now, that amendment was given to Members with very short notice during that debate. I have the full text here. As one can see, it is quite dense. It consists of 80-some pages of legislative language, and so it was not easy to read through this so-called patient protection bill to understand exactly what was in the bill.

Mr. Speaker, I advised several of my Republican Senate colleagues to be very careful about voting for that bill, unless they had had a chance to review the specific language, because, as Members of both sides of the aisle know, the devil is always in the details in terms of whether a bill is a good bill or bad bill.

Over the last several days, I have had the opportunity to start reading the Nickles bill from the Senate, and it sadly is deficient in several areas. I would liken this more as an HMO protection bill rather than a patient protection bill.

Mr. Speaker, I am going to go into some detail about why that is, but it is very important for colleagues on both this side of the Capitol, as well as the other side of the Capitol to understand what is in this bill, because we passed a strong patient protection bill here on the floor of the House of Representatives in October of last year, the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform bill, and it had significant bipartisan support, not just 1 or 2 Members of one party, but 68 Republicans supported that bill, despite intense opposition by the HMO industry. So we have something to compare the Senate bill to.

As my colleagues on both sides of the aisle know, there has been a conference going on between the bill that passed the House and the bill that passed the Senate. I would say that the conference is not over, neither the Republicans nor the Democrats in the conference have said that the conference is over, but nothing much is happening now.

I think it is useful to go into some of the details of the Senate bill. The Senate bill limits many of its patient protections to only those Americans in self-insured plans. In fact, more than 135 million Americans would not receive most of the patient protections identified in the GOP Senate bill, including access to routine OB/GYN care for women, and pediatric care for children, continuity of care for terminally-ill patients, patients receiving in-patient and institutional care, and pregnant patients in their second trimester of pregnancy.

It would not include specialty care or access to specialty care, health care professionals for 135 million Americans; 135 million Americans would not have access to a point-of-service option. We have dealt with gag clauses that HMOs have put out in Medicare legislation that passed both the House and the Senate several years ago that prohibits contractual clauses that HMOs would try to limit the amount of information that a doctor could tell a patient without getting an expressed okay from the HMO; that would not be covered for more than 135 million Americans in the Senate bill.

The GOP Senate bill for 135 million Americans would not cover emergency medical screening exams or stabilization treatment. There are many different things.

I want to talk for the longest part of this special order about the Senate GOP plan's biggest fault, and that has to do with the enforcement provision or the liability provision.

Mr. Speaker, I have here an analysis of the Nickles GOP Senate bill by Professor Sara Rosenbaum, who is a Harold and Jane Hirsch Professor, Health Law and Policy at George Washington University; Professor David Frankford, Professor of Law at Rutgers University; and Professor Rand Rosenblatt, Professor of Law at Rutgers University School of Law.

I am going to primarily read this analysis. I think it is very important to get this into the CONGRESSIONAL RECORD. This is their analysis. I know Professor Rosenbaum personally. I respect her opinion and legal expertise a lot. This is how it goes.

By classifying medical treatment injuries as claims denials and coverage decisions governed by the Employee Retirement Income Security Act, the

Senate bill, this is the Senate GOP bill, insulates managed care companies from medical liability under State law.

Section 231 of the Senate bill, and I have that here, amends ERISA section 502 to create a new Federal cause of action relating to a denial of claim for benefits, quote unquote, in the context of prior authorization.

Now, this is all kind of technical language, but I will try to make this clear as we go through. The bill defines the term, quote, claim for benefits as a request for benefits, including requests for benefits that are subject to authorization of coverage or utilization review, or for payment, in whole or in part, for an item or a service under a group health plan or health insurance coverage offered by a health insurance issuer in connection with a group health plan, end quote.

Thus, the bill would classify prior authorization denials as claims for benefits that are in turn covered by the new Federal remedy. You have to remember that Federal remedies under ERISA section 502 preempt all State law remedies.

This classification in the Senate GOP bill would have profound effects, particularly in light of the recent Supreme Court decision Peagram versus Herdrich. As drafted, the Senate bill would preempt State medical liability law as applied to medical injuries caused by the wrongful or negligent withholding of necessary treatment by managed care companies.

The Senate GOP bill thus would reverse the trend in State law which has been to hold managed care companies accountable for the medical injuries they cause, just as would be the case for any other health provider.

In recent years, courts have considered the issue of managed care relating injuries, have applied medical liability theory and law to managed care companies in a manner similar to the approach taken in the case of hospitals. Thus, like hospitals, managed care companies can be both directly and vicariously liable for medical injuries attributable to their conduct.

In a managed care context, the most common type of situation in which medical liability arises tends to involve injuries caused by the wrongful or negligent withholding of necessary medical treatment; otherwise known as denials of requests for care.

Now, State legislatures have also begun to enact legislation to expressly permit medical liability actions against managed care companies. The best known of these laws is a medical liability legislation enacted in 1997 by the State of Texas and recently upheld in relevant part against an ERISA challenge by the United States Court of Appeals for the 5th Circuit.

My friends and colleagues from both side of the aisle, you should know that the Senate GOP bill would preclude Texas law. In the case Peagram versus Herdrich, the Supreme Court implicitly addressed this question of whether managed care State liability law should cover companies for the medical injuries they cause.

The court decided that liability issues do not belong in Federal courts and strongly indicated its view that in its current form ERISA does not preclude State law actions. It is that decision that the Senate bill would appear to overturn.

☐ 2030

Mr. Speaker, continuing this legal analysis of the GOP Senate bill, in the Supreme Court case Pegram, the Supreme Court set up a new classification system for the types of decisions made by managed care organizations contracting with Employee Retirement Income Security Act plans, ERISA plans. The first type of decision, according to the court, was a peer eligibility decision. In the ERISA context, that constitutes an act of plan administration and thus represents an exercise of ERISA fiduciary responsibilities. Remedies for injuries caused by that type of determination would be addressed under the ERISA law which currently provides for no remedy other than for the plan to provide the benefit itself.

But then the Supreme Court dealt with a different type of situation. The second type of decision is, according to the Supreme Court, a mixed eligibility decision. While the court's classification system contains a number of ambiguities, it appears that, in the court's view, the second class of decision effectively occurs any time that a managed care company, acting through its physicians, exercises what is called medical judgment, regarding the appropriateness of treatment.

Such decisions as medical decisions rather than pure eligibility decisions are not part of the administration of an ERISA plan and thus not part of ERISA's remedial scheme because, according to the Supreme Court, in enacting ERISA, Congress did not intend to displace State medical liability laws.

The court thus strongly indicated that these claims are not preempted by ERISA and may be brought in State court. In the court's view, these mixed decisions represent ''a great many, if not most'' of the coverage decisions that HMOs make.

So what we have is a situation where the GOP Senate bill is actually, through legislative language, trying to change the Supreme Court's recent decision, which held that, where one has decisions related to medical judgment and not pure eligibility, for instance, a plan that says we are not going to cover liver transplants, that is pretty straightforward, if a patient needs a liver transplant, but the plan explicitly in the contract says we do not provide liver transplants, that is a coverage decision.

But let us say one has a patient like some of the patients I have taken care of prior to coming to Congress, I was a reconstructive surgeon, let us say one has a child born with a cleft lip and a cleft palate, and the plan then says, oh, that is a cosmetic procedure, that is a medical judgment, the Supreme Court in Pegram versus Herdrich is saying that, if that HMO's decision results in a neglect injury, they should be liable according to State law.

But the Senate GOP bill is trying to change that Supreme Court decision. The Senate bill would appear to reverse Pegram by effectively classifying all prior authorization determinations as Section 502 decisions without any regard as to whether they are, ''pure'' or ''mixed''.

As a result, State medical liability laws that arguably now reach mixed decisions apparently would be preempted by the Senate GOP bill, leaving individual physicians, hospitals, and other health providers as the sole defendants in a State court when the HMO has actually made the decision.

Under the complete preemption theory of Section 502, remedies against managed care companies would now be governed by the new Federal remedy, which would effectively shield the industry from accountability under State law.

See, it is not easy to read through this legislative language when one is given a bill 15 minutes before it appears on the floor. It is not easy to make these kinds of arguments to understand what the language is showing when a bill is kept in secret and then brought up as an amendment on the floor. So that is why we are going through this tonight in some detail.

The Federal ''remedy'' in the Senate bill would leave Americans basically with no remedy. If one looks closely at the Senate GOP bill, the new Federal remedy simply creates the illusion of relief while at the same time foreclosing other more meaningful approaches to holding managed care accountable.

Now, here are some specifics as outlined by Professors Rosenbaum and Frankford and Rosenblatt. This liability provision in the Senate GOP bill is unclear on the meaning of the term ''denial'' in the context of claims that are actionable under the new Federal remedy. Were the remedy to be interpreted by the courts to encompass only outright denials, many of the worst types of HMO treatment delays would go unaddressed.

Here is an example. A recent decision from New York, Aetna U.S. Health Care used a series of appalling tactics to delay making any decision regarding treatment for an individual with profound mental illness related problems over 7 months. When the New York State Department of Insurance finally ordered coverage, it was too late. The patient died 8 days before Aetna finally entered a favorable initial determination.

So my colleagues see, the Senate GOP bill says that a negligent action can only be brought to trial if there is actually a denial. But what happens

frequently is that HMOs will string patients out, they will delay and delay and delay and delay. In this case, for instance, in New York, if the patient dies before making that denial, then, under the Senate GOP bill, HMO is not liable. That is a huge loophole.

By focusing only on denial itself and not covering delays, the Senate GOP bill effectively would incentivize the HMO industry to put patients through a delay after delay after delay as a strategy for avoiding any liability.

The Senate GOP bill also bars any actions that challenge the company's denial of treatment that it asserts to be ''excluded'', rather than not medically necessary.

I have come to the floor many times to talk about how HMOs will deny treatment on the basis of it not being medically necessary. That is the terminology that they will use. Then they will use their own definition of medical necessity and can do that under Federal law.

But the Senate Republican bill basically creates a loophole that would encourage companies to classify denials as exclusions rather than as denials of claims based on a lack of medical necessity.

The irony is that the external review provisions of the Senate bill seem to permit review of decisions involving analysis of medical facts, a broader standard of review than a strict medical necessity standard. But despite this, the remedy would bar any relief for an individual whose denial is couched in exclusion terms, rather than medical necessity terms.

Now, I will just have to tell my colleagues that any good HMO insurance lawyer is going to advise his HMO to draft all denial letters in a manner that conforms to that limitation on remedies, another big loophole for the HMOs in the Senate GOP bill.

Here is another one. In the Senate liability provision, in order to successfully prove a claim, the injured party would have to prove, not only a negligent denial, a denial that was made by incompetent staff or using incompetent standards or using insufficient evidence, but would have to prove that the denial was made in bad faith.

So let us say that this HMO makes this denial and one's son or one's daughter is injured because of that. Not only does one have to prove under the Senate GOP bill that it was a negligent decision, one also has to prove the motives. One is going to have to prove that it was bad faith. That is a virtually impossible standard to prove, and it is particularly egregious in light of the fact that plaintiffs cannot even bring such an action under the Senate bill unless they have gotten a reversal of the denial at the external review stage.

Even where they have proven that a company wrongfully withheld treatment, the injured party can recover nothing for their injures without taking the level of proof far beyond what is needed to win at the external review stage. Under the Senate GOP bill, virtually all injuries would go uncompensated.

Here is another problem with the enforcement provision in the Senate GOP bill. The injured party would be forced to show ''substantial harm'' defined in the law as loss of life, significant loss of limb or bodily function, significant disfigurement, or severe chronic pain. But that definition excludes some of the most insidious injuries, such as a degeneration in health or functional status or loss of the possibility of improvement that a patient could face as a result of delayed care, particularly a child with special health needs.

I almost wonder whether this provision was put into the Senate GOP bill specifically to address the case Bedrick versus Travelers Insurance Company. The managed care company cut off almost all physical and speech therapy for a toddler with cerebral palsy.

The Court of Appeals in one of the most searing decisions ever entered in a managed care reversal case found that the company had acted on the basis of no evidence. With what could only be described as outright prejudice against children with disabilities, the managed care companies medical director concluded that care for the baby never could be medically necessary because children with cerebral palsy have no chance of being normal.

The consequences of facing years without therapy were potentially profound for that child. Failure to develop mobility, the loss of a small amount of motion that a child might have had, a small amount of motion that could make a big difference in terms of a child's function, and the enormous cost both actual and emotional suffered by the parents. Arguably, none of those injuries fall into any of the categories in the Senate GOP so-called patient protection bill.

Here is another problem. The maximum award in the Senate GOP bill permitted is $350,000, and even that amount is subject to various types of reductions and offsets. That limitation on recovery can make securing adequate representation pretty difficult.

To compound that, in order to mount a case involving bad faith denial of treatment that we have talked about, that is an enormously expensive proposition. The limitations on recovery are in addition to the fact that the Senate bill gives Federal courts exclusive jurisdiction over cases brought under the new provision.

The costs and difficulties associated with litigating a personal injury claim requiring proof of bad faith would thus be exponentially increased, and it would make it virtually impossible for injured people to find attorneys to represent them. The deck is stacked in that Senate GOP bill against an injured patient.

□ 2045

I see my colleague from New Jersey. Would he like to enter into this?

Mr. ANDREWS. If the gentleman would yield, let me first begin by commending him for his tireless advocacy night after night, week after week, year after year on behalf of health care and patients in our country.

My friend from Iowa is a physician first and a Member of Congress second, and I say that as a compliment. He has carried his Hippocratic oath to the halls of this chamber and he has done so, Mr. Speaker, with great distinction, and I want to commend him as a Member of the opposite party, as a Democrat, commending my friend from Iowa, as a Republican, for his work on this issue.

I was listening to him tonight, Mr. Speaker, and I wanted to just supplement what he so very ably is saying in two ways, because I too have read the legal analysis that my friend from Iowa makes reference to. I am proud that it was produced by, in part by two scholars from my district, from the Rutgers University School of Law in Camden, New Jersey, Dean Rand Rosenblatt and Professor David Frankford were among two of the three authors who did such an outstanding job on that, and Sara also was fabulous and I do not want to omit her, from George Washington University.

Let me say, first of all, the remedy that is in the bill in the other body is a remedy in form only. It would not have the compensatory or deterrent effect that a real remedy has. And I believe, frankly, it is designed to be deficient in those ways. It would make people less than whole. A person who is denied the ability to see an oncologist and contracts a form of debilitating cancer would not be made whole by the bill in the other body. A person who is advised that he or she needs a test and does not get that test and suffers a fatal or debilitating injury will not be made whole by the bill in the other body. The damage limitations are arbitrary and capricious.

The second problem is the lack of a deterrent effect. The value of the real accountability that is in the bill that passed this House authored by our colleagues, the gentleman from Georgia (Mr. NORWOOD), by the gentleman from Michigan (Mr. DINGELL), and by the gentleman from Iowa (Mr. GANSKE), the value of that bill is not the lawsuits that would be brought under it, it is the lawsuits that would never have to be brought as a result of it because a managed care company making an arbitrary and unreasonable decision contrary to the best medical interest of the patient would be held strongly accountable. And when that managed care company weighs the balance that it has in front of it, it would more than likely choose the side of granting the care. It would choose the side of following the duly-given advice of the professionals who gave the advice in the first place. It would restore the primacy of the doctor-patient relationship to American medicine. And that is what this is about.

The third point that I would make is that we very often hear from the opponents of the Patient's Bill of Rights and from the supporters of the Senate ersatz version that our bill would lead to a flood of litigation; that it would put lawyers in the place that doctors ought to be. And there is a certain superficial appeal to that argument. I understand, Mr. Speaker, that Americans do not want the right to sue, they want the right to the treatment they have paid for and deserve. But without the right to sue, without the right to hold people accountable in a meaningful way, that care and treatment is going to continue to be arbitrarily and unreasonably withheld by the oligarchs of the managed care industry.

And people are not going to sit and wait for us to do something about it. Instead, they are already marching to the courthouse door in State and Federal Courthouses around this country. As a result, we are now witnessing what I would call a crazy patchwork quilt of legal decisions all designed to get around this unreasonable barrier that exists in the present law that says that under the normal law of tort, under the normal law of responsibility, managed care companies are immune from that responsibility. So we have theories about unauthorized practice of medicine, and we have theories about civil racketeering, and we have theories about unlawful conspiracy, and we have theories about denial of quality of care.

To those who fear a flood of litigation if the Norwood-Dingell-Ganske bill becomes law, I would say that that fear is misplaced; that if the Norwood-Dingell-Ganske bill does not become law, we can be assured that there will be a flood of litigation by dissatisfied Americans. And instead of that litigation being predictable, under a clearly established set of legal rules and principles written in the statute by us as the duly-elected representatives of the people, instead those rules will be written on an ad hoc, case-by-case basis by State and Federal judges around this country. So I would suggest that that is the flood of litigation that people should most fear.

So I want to thank my friend for yielding his time. I again salute him for his truly heroic and tireless work on this issue, and I assure him that the day is coming when his efforts will bear fruit and this bill will be signed into law.

Mr. GANSKE. Reclaiming my time, but I hope the gentleman will stay for a few minutes, because some of the things in that Senate GOP bill relating to the liability provisions are just amazing. Let me just relate a couple more for the gentleman.

There is a provision in that Senate GOP bill that says that any group health plan that offers its members the choice of either an insured benefit or an individual benefit payment to be used by the Member to buy an individual insurance policy could not be held liable.

What does that mean? That means that any employer could say to an employee that they have a group health plan that they can join, or they can be offered a payment to buy their our own health insurance. In that situation, the HMO and the employer could not be held liable, specifically by the language in the Senate GOP bill. There would be no liability.

Now, the problem with that is that, as most people know, as an individual it is very difficult to go out and purchase our own insurance. So that what we would have is, we would have every employer in the country that offers health insurance saying, well, here is an option for you. You can buy your own insurance. Of course, no one will do that because they will not find any individual insurance for their family. But in so doing, then they totally exclude those plans from any liability for a negligent decision that they would make.

Mr. ANDREWS. If the gentleman will yield, I want to explain the consequences for what he has just correctly stated for constituents in my State.

In my State of New Jersey, an individual buying family health insurance would pay in the neighborhood of $10,000 a year. But the price that would be offered through the group plan would be considerably less, probably $6,500 to $7,000 a year picked up by the employer. So let us say the employer gives the employee a $6,500 voucher toward the purchase of health insurance. The choice that my constituents would face under this Senate bill that my friend talks about would be to either have the right to hold the HMO accountable and pay $3,500 for that privilege, which the constituent clearly would not have, or not have the right to hold them accountable.

Now, that is like saying to someone that we are going to give everyone in America the right to buy a Mercedes Benz for $75,000. Nice right to have in theory, but if a person does not have the money to afford it, they cannot do it.

Mr. GANSKE. Here are a couple other provisions in the Senate GOP bill. Remember, this bill made its first appearance in the light of day about an hour before it was offered on the floor, and it was offered to the minority about 15 minutes before it was offered. So not much chance to review the language. And that bill has never had any hearings.

There are a couple of provisions in there that are very significant. One provision would basically preclude class actions under the new ERISA remedy in the Senate GOP bill no matter how widespread the misconduct of the defendant. For example, an HMO might engage in a practice of systematically denying every request for treatment in order to push individuals into external review and delay treatment.

They could just do that all the time. They could deny, deny, and push everybody into an external appeals thing. They could save a lot of money on the float that way. But under this provision that is in the Senate bill, even were the defendant pursuing such a strategy as a matter of design, the way they are setting up their plan, an individual could not seek any class action relief.

Here is another problem. We know from a case, Humana v. Forsythe, that the United States Supreme Court held RICO applicable to a managed care company that has systematically defrauded thousands of health plan members out of millions of dollars in benefits by systematically lying to members about the proportional cost of the treatment they were being required to bear.

This is how it worked. This HMO had gotten discounts from hospitals, but the hospitals would send the full price bill to the patient. The patient typically had an 80/20 policy, meaning that the health plan is supposed to cover 80 percent of the cost and the patient is supposed to cover 20 percent. So they would get the full price bill from the hospital and then Humana would tell them that they had to pay 20 percent of that full price bill, even though Humana was only paying a fraction of the 80 percent because of a discount. In other words, they were leaving their beneficiaries paying a much higher percentage of the bill so that they could pay even less than their discounted part.

Well, that was looked at, and the Supreme Court held that Humana was fraudulently lying to its beneficiaries and ordered a multimillion dollar settlement. That is a proper use of the RICO statute. Under the Senate GOP bill, that would be precluded. A patient could not do that.

Mr. ANDREWS. If the gentleman will yield briefly, under the facts as the gentleman just outlined them, let us say the patient had a $1,000 hospital bill, as legitimately presented, and the HMO only paid $800. Under the terms of the contract, the patient would be liable for one quarter of that $800: $200. But the way the bill was being presented to the patient, the patient would pay $250. Now, $50 is a lot of money to people, but it is not enough money to retain an attorney and file suit and pursue the claim.

Those kind of claims only get meaningfully pursued through class actions. If thousands of people are owed $50, the economic incentive exists for someone to file suit and pursue the claim. But if a patient cannot do that through a class action, person after person after person who is defrauded out of their $50 will never pursue a legal remedy. And that is another deficiency in the Senate bill.

Mr. GANSKE. Let me just finish in reading the conclusion from Professors Rosenbaum, Frankford, and Rosenblatt.

''The central purpose underlying the enactment of Federal patient protection legislation is to expand protections for the vast majority of insured Americans whose health benefits are derived from private nongovernmental employment and who, thus, come within the orbit of ERISA. Not only would the GOP Senate measure not accomplish this goal, but, worse, it appears to be little more than a vehicle for protecting managed care companies from various forms of legal liability under current law. Viewed in this light, congressional passage of the Senate GOP bill would be far worse than were Congress to enact no measure at all.''

Now that is a sad commentary on a bill. But as I have been looking through the Nickles bill, I can come to almost every page and have questions about the legislative language.

I will just talk about this one.

□ 2100

One of the things that we should be able to reach a bipartisan consensus on is how do you do an external review and should the external reviewer be independent?

Let us say that an HMO denies care to your child. Your doctor says the kid needs the care. So you go through an appeals process within the HMO. The HMO still says, ''No, we're not going to give that care. It doesn't meet our own definition of medical necessity.'' So you say, I want an independent review. And let us just say the Senate GOP bill had become law. Would that reviewer be independent under the Nickles independent review plan? Looking at the language, it is real interesting. The language says that the reviewer could consider the claim under review without deference to determinations made by the plan. Could consider but not be bound by the definition used by the plan of medically necessary.

Then the next clause is very important. Notwithstanding the independent reviewer would have to adhere to the definition used by the plan or issuer of medically necessary or experimental investigation if such definition is the same as, one, that which has been adopted pursuant to State statute or regulation or, two, that which is used for purposes under titles 18 or 19 of the Social Security Act.

So what does that mean? I looked at this for a while and I wondered, because in the bill that passed the House, we just say that that independent reviewer will be able to determine medical necessity looking at a number of factors and as long as that benefit was not explicitly excluded in the contract, then the reviewer would be able to determine medical necessity. But here they have added a couple of provisos. They say the medical reviewer has to go use the definition of the plan, what the plan says is medically necessary if that has been adopted pursuant to a State statute.

Well, I know exactly why that clause was put in there, because a year or so ago my home State of Iowa was doing some patient protection legislation, and I have some expertise in this so some of the State legislators came to me and asked me about some specific language that had been provided by the insurance industry. In that language very cleverly they had a provision that basically said medical necessity is what we define it to be, i.e., what the plan defines it to be. So if that happens to be what is in State law, then this independent reviewer cannot do anything except decide whether the plan has followed its own definition.

Mr. ANDREWS. There is another grave danger here. And, that is, that the HMOs will certainly take the position that even if there is not an explicit statutory definition of medical necessity in State law, that the State laws which permit them to incorporate their insurance companies carry with them the implicit right of the HMOs to fix by contract the definition of the terms of their contract. To sort of unpack that and put it in less legalese, they will take the position that State laws implicitly give them the right when they organize themselves to declare what definitions in their contracts mean, that it is a matter of contract. And I assure you that every HMO worth its salt will then put a boiler plate clause in their contract that says medical necessity means whatever we say that it means. So if your child's pediatrician thinks that it is medically necessary for your child to have an MRI but the reviewer for the HMO does not think so because the statistics show that very few 7-year-olds have a tumor problem, the HMO wins. That is a loophole that is very subtle but very disingenuous and very dangerous.

Mr. GANSKE. Reclaiming my time, here is another loophole in the Senate GOP bill. Who gets to select that external reviewer according to the Republican plan in the Senate? On page 47, the plan gets to select that, quote, independent reviewer. That certainly was not in the version that passed the House.

Here is another loophole. Does that independent reviewer, is that in the House bill a person who has expertise related to that problem? You betcha. What about in the Senate? Only if a specialist is, quote, reasonably available would you get, for instance, an orthopedist reviewing an orthopedic problem. These are just multiple things that you can go through nearly every page.

Mr. ANDREWS. The gentleman has just very eloquently described what in sports we call the home field advantage. Imagine if the home football team got to pick the referees for every game at its stadium without any consultation with the visitors or with the conference in which they play. The home team would win a lot of the games. If you were an external reviewer, external reviewer A has a track record of favoring the HMO three-quarters of the time and external reviewer B has a track record of favoring the HMOs one-quarter of the time, and the reviewers get paid according to the number of reviews that they do and the HMO gets to pick the reviewer, you can imagine which reviewer is going to get more work and what message is going to be sent out to the reviewers. That is a home field advantage if I have ever heard of one and it renders the Senate external review procedures to be farcical in my opinion.

Mr. GANSKE. Let me give the gentleman another example from the Senate GOP bill. The bill contains a prohibition on plans from requesting or requiring predictive genetic information. An exception, however, allows plans to request but not require such information for diagnosis, treatment or payment.

The problem is that the plan can request that information but does not have to tell the patient that they do not have to give them the information. See, that is the type of little legislative language tricks that you can put into a bill.

Here is another one. The Senate GOP bill allows plans to fulfill their disclosure obligations by providing prospective enrollees with, quote, summaries, or, quote, descriptions or, quote, statements of beneficiary rights rather than specifically enumerating those rights such as in the bill that passed the House.

These are, I think, minor provisions. They are not as important as the one related to enforceability, the one related to whether that independent reviewer is actually independent, whether that independent reviewer, where there is a difference of opinion on whether care should be provided or not, is competent or knowledgeable in that area. But there is still, in aggregate, important provisions for those individuals.

As you pointed out earlier, I believe firmly that the bill that passed the House, the Norwood-Dingell-Ganske bill because it is written to actually protect patients and provide them with due process will in the long run decrease legal activity rather than increase it. It will prevent the injury from happening which would then require a legal remedy because it sets up a bona fide real process for dispute resolution. Unfortunately, we are just not seeing that in the language as we have gone through the Senate GOP bill.

I am going to provide my colleagues in the next few days with a more detailed analysis of the Senate GOP bill. I think it needs to be examined in-depth. I am very hopeful that as this process continues over the next several months, we will have an opportunity to correct the deficiencies.

Mr. ANDREWS. If the gentleman will yield one more time, I want to conclude my remarks by saying that the gentleman is not a member of the conference committee that is negotiating the final version of this bill. I am privileged to be a member of that. I suspect

that the gentleman is not a member of the conference committee because he holds, as do dozens of his Republican colleagues, the views that he has expressed tonight. This bill passed the House with 61 percent of the Members of the House voting for it, a broad bipartisan coalition. This is not a Republican or Democratic issue. I am hopeful as a conferee that we will return to the conference table, we will do so under the scrutiny of the public and the media, that we will discuss the issues that the gentleman has raised tonight, and that we will resolve our differences and give the President a bill that he can sign.

I have been on this conference since it initiated in March, and I said a few weeks ago that someone on the other side said the conference was sailing right along, and it was sailing right along smoothly and I said that they had used the wrong nautical analogy, that the conference was not sailing right along, that it reminded me more of the legislative equivalent of the Bermuda triangle, that good ideas go into the conference and are never heard from again. The gentleman has many good ideas. I commend him again for his good work and look forward to working with him to make this the law.

Mr. GANSKE. I thank the gentleman for joining me in this special order tonight. I look forward to working with him and other Members in a bipartisan fashion on both the House side and the Senate side to actually get signed into law a real patient protection piece of legislation.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4810, MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT OF 2000

Mr. DIAZ-BALART (during the Special Order of Mr. GANSKE), from the Committee on Rules, submitted a privileged report (Rept. No. 106–726) on the resolution (H. Res. 545) providing for consideration of the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4811, FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS ACT, 2001

Mr. DIAZ-BALART (during the Special Order of Mr. GANSKE) from the Committee on Rules, submitted a privileged report (Rept. No. 106–727) on the resolution (H. Res. 546) providing for consideration of the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ILLEGAL NARCOTICS

The SPEAKER pro tempore (Mr. GREEN of Wisconsin). Under the Speaker's announced policy of January 6, 1999, the gentleman from Florida (Mr. MICA) is recognized for 60 minutes.

Mr. MICA. Mr. Speaker, I am pleased to come before the House tonight as it concludes its business to address the House on a subject I normally do on Tuesday nights and one that I take a personal interest in as chairman in the House of Representatives of the Subcommittee on Criminal Justice, Drug Policy and Human Resources. And specifically always on Tuesday evenings, I try to address my colleagues and the American people on the topic of illegal narcotics and our national drug policy and our efforts in our subcommittee to attempt to develop a coherent policy to deal with probably the greatest social problem and challenge I think our Nation has ever faced in its history, a problem that has devastated and I think we have gotten to the point where almost every family in America is somehow touched by illegal narcotics. Certainly the impact in crime, the social costs, the costs that this Congress incurs in funding antinarcotics efforts, criminal justice, the system that is fueled by those who are committing crimes and offenses against society under the influence of illegal narcotics, the whole gamut of problems that have arisen as a result of illegal narcotics is really astounding.

I often cite when I speak before the House the most recent statistics of deaths. Direct deaths from illegal narcotics in the most recent year provided to our subcommittee, 1998, amounted to 15,973 Americans died as the direct result of illegal narcotics. The drug czar, our national director of the Office of National Drug Control Policy, Barry McCaffrey, again today used the figure in a hearing before our subcommittee of 52,000 Americans dying in a year as a result of direct and indirect illegal narcotics.

□ 2115

So the toll is mounting. The statistics continue to be alarming and should concern every American because, most of all, we find that this problem is affecting not those people who you would traditionally think have been victimized by illegal narcotics, the inner-city, the metropolitan, the high density areas, but every single corner of our Nation is now victimized by the effects of illegal drugs.

In fact, I cite a recent article, and it this headline says ''Drug use explodes in rural America.'' It shows that in fact in rural America that cocaine, that crack, that heroin and methamphetamines in all of the rural areas of the country are now experiencing an explosion.

One of the things that I try to do as chairman of the Subcommittee on Criminal Justice, Drug Policy and Human Resources is not only conduct hearings, such as we did today with the national Drug Czar on our national media campaign that we instituted several years ago, a $1 billion-plus program, $1 billion from Federal money over 5 years and an equally significant amount in contributions to the campaign required by the law that we established, but in addition to conducting the hearings and evaluations and oversight of our national drug policy and the programs that we have instituted, we attempt to conduct hearings throughout the United States.

Most of the hearings that have been conducted by our subcommittee are at the request of either my subcommittee members or Members of the House who are experiencing a similar problem. I can tell you without a doubt that in fact the entire Nation, from the Pacific coast to the East Coast, from the Mexican border to the Canadian border, is being devastated by illegal narcotics.

During the recent weeks we have conducted hearings and field hearings. One was in the heartland of America, in Sioux City, Iowa, at the confluence of three states, Nebraska, South Dakota and Iowa. This was a hearing at the request of the gentleman from Iowa (Mr. LATHAM). We heard absolutely startling testimony about the explosion of illegal narcotics, the explosion of methamphetamine, narcotics that have infiltrated that region of our Nation, and the devastation on the community, the cost in law enforcement, the cost in social services, the tremendous cost to that entire area that is being borne in destroyed lives.

So we have focused not only on hearings in Washington, but throughout the land, and we confirmed the headline which I cited here of the explosion of illegal narcotics and methamphetamine in particular in rural areas of our country.

It is also significant that we have presentations before our subcommittee that bring us up-to-date on what is happening, because we are a criminal justice, national drug policy oversight subcommittee. Some of the recent information we have had from the Center for Disease Control and other monitoring agencies indicate that over half the crime in this country is committed by individuals under the influence of illegal narcotics.

The National Institute of Justice drug testing program, found that more than 60 percent of the adult male arrestees across the Nation tested positive for drugs. In most cities, over half the young male arrestees are under the influence in fact of marijuana, and, importantly, the majority of the crimes that result from the effects of the drug do not result from the fact that the drugs are illegal.

According to a study by the National Center on Addiction and Substance Abuse, which is also referred to as CASA, at Columbia University, 80 percent of the men and women behind

bars, about 1.4 million inmates in our country, are seriously involved with drug abuse, substance abuse, and sometimes that is illegal narcotics, sometimes it is alcohol. So, again, the problem of substance abuse is horrendous.

What is of particular concern to our subcommittee and the Congress is that the trends of illegal narcotics use, while we hear some figures being touted by some in the administration, we find that, unfortunately, under the Clinton Administration, from 1992 to 1998, in one area for example, in heroin we have had a 92 percent increase since 1992 in heroin use among our 8th graders, an incredible statistic that has recently come forward. That is in one of the most deadly drugs that one can have any young person be involved with.

In my area in Central Florida, in fact we are having an epidemic of heroin overdoses. Many of the overdoses are the result of a very high purity heroin. In the 1980s we had the purity of heroin at the level of single digits, sometimes 4 or 5 percent. Today we are finding on the streets of Orlando and the streets of New York, Los Angeles, and even small communities across the Nation, purity levels of 60 and 70 percent, deadly, highly toxic heroin, and we see a dramatic increase, 92 percent increase in use in heroin among 8th graders, an absolutely shocking statistic.

The other information that I wanted to relay about the problem tonight is some information our subcommittee received from the Center for Disease Control in Atlanta, and they came and briefed us before the recess. I have cited some of these statistics in the hearing that we held and previously on the floor, but the survey by the Center for Disease Control indicated that 14.7 percent of the students surveyed said that they were currently using marijuana in 1991. In 1999, that figure almost doubled to 26.7 percent.

Unfortunately marijuana happens to be a gateway drug, and we find that the statistics bear out that with a gateway drug, an entry drug like marijuana, the next step is cocaine, then methamphetamine, heroin and hard narcotics. We also find testimony that was presented to the subcommittee by Dr. Leshner, the head of the National Institute of Drug Abuse, NIDA, that in fact the most addictive drug in the United States today in fact is marijuana. Also it is not the marijuana of the sixties and seventies, or even the eighties. This is a marijuana with a much higher purity, with a much more toxic content, and a much more addictive result.

But the Center for Disease Control reported that lifetime marijuana increased from 31.3 percent in 1991 to 47.2 percent in 1999. What has happened in our Nation, because we have sent a mixed message to our youth, because we have not had the leadership provided by the White House with a consistent strong message against illegal narcotics, and in particular marijuana, we find that almost half the population of our young people today has used marijuana at some point, according to this survey. Again, like it or not, it is a gateway drug.

Those are some of the statistics that we wanted to update the Congress on today. Unfortunately, we find that even in our enforcement area, that young people are becoming more and more involved as a result of their use and abuse of illegal narcotics.

A recent article that was provided to me indicated that the end of last year, the United States Customs Service estimated that 400 teenagers had been arrested by the end of 1999 for smuggling drugs into the country, an increase of 30 percent over the previous year. In Texas, only 17 juveniles had been sent to prison in the past 2½ years, 98 received probation and 63 had their cases dropped or dismissed. Unfortunately, light punishment is a selling point for the drug cartels when they approach teenagers, according to the U.S. Customs Service, which is now finding younger and younger traffickers, and, unfortunately, the arrests are up in the under 18 age category. This report also said that there is a 58 percent increase nationwide in arrests of drug traffickers. This is now under the age of 18. Again, younger and younger people involved.

According to customs also, children as young as nine are used to traffic drugs across the southwest border. According to the article, most of the teen smugglers that are arrested and convicted are given probation, not jail time, which, unfortunately, does lead other youth to participate in the same type of activity, and we are seeing more and more of that across the country.

The number of heroin users in the United States, according to another recent survey, indicates that it has jumped from 1996, half a million Americans, to nearly 1 million, 980,000 Americans in 1999. So we have had, again, just about a doubling from 1996 to 1999 in heroin users in the United States.

The rate of first use by children age 12 to 17 increased from less than 1 in 1,000 in the 1980s to almost 3 in 1,000 in 1996. I think I just cited for the benefit of the House the incredible increase we have seen in 8th graders. First time heroin users are getting younger, from an average age of 26 years of age in 1991 to an average age, now, get this, of 17 years of age by 1997.

Also, according to the most recent statistics provided to our criminal justice and drug policy subcommittee, 8th graders in rural America are 83 percent more likely than 8th graders in urban centers to use crack cocaine, 50 percent more likely than 8th graders in urban centers to use cocaine, and 34 percent more likely than 8th graders in urban centers to smoke marijuana. Unfortunately, an incredibly high statistic is that they are 104 percent more likely than 8th graders in urban centers to use amphetamines, including methamphetamines. Again, startling statistics about what is happening across this country.

One of the things that was brought up at the hearing today and that we also have found in the pattern of illegal narcotics use is the impact, not only on the population in general and also of our youth, which is of great concern, but also the impact on minorities. No segment of our society is more impacted by illegal narcotics use than our minorities, particularly our African American and our Hispanic population. This is some of the latest information our subcommittee has received.

□ 2130

According to the 1998 National House of Polls Survey on Drug Abuse, drug use increased from 5.8 percent in 1993 at the beginning of the Clinton administration to 8.2 percent in 1998 among young African Americans, more severely impacted than the population at large. According to the same survey on drug abuse, drug use increased from 4.4 percent in 1993 among the Hispanic population, Hispanic youth in particular, to 6.1 percent. So 2 minority populations that are most vulnerable in our society, our African American and Hispanic youth population, have also become incredible victims of illegal narcotics and, in particular, we have seen, as I said, the explosion of heroin, methamphetamines, and now we are seeing a rampage of what are called designer drugs across the Nation.

Now, how did we get ourselves into this situation? I have brought this one particular chart out many times, and I will bring it out again tonight. We hear repeatedly, I hear repeatedly over and over that the war on drugs has been a failure. I submit again to the Congress and to the House tonight that if we look at the war on drugs under the Reagan and Bush administration, and this chart relates the long-term trend in lifetime prevalence of drug use; this is really the major monitor for drug use and abuse in this country, and it is not something that I made up; it was prepared by the University of Michigan, and this is something that they have been monitoring for some time. But this shows the pattern of success and this shows the prevalence of drug use going down in the Reagan administration starting in 1980 all the way down. Now, this is what the liberals will tell us is a failure, and that is the decrease in drug use. In fact, there was a 50 percent decrease in this period of drug use in this country. This is what they will try to tell us, the editorialists, the promoters of legalization, those who say that the war on drugs has been a failure.

So when we had a war on drugs, and that was with national leadership from the Office of the President through the entire administration, putting together an Andean strategy to stop drugs at their source. This is not rocket science; we know where the cocaine is produced. It is produced in Bolivia, it is

produced in Peru, it is produced in Colombia. When we have a policy that stops the assistance going to a country who is willing to participate with the United States to stop the production of cocaine such as we have had with this administration for the past 5, 6 years in stopping and blocking aid to Colombia, we have a growth of cocaine and coca production in that area.

The Reagan administration and Bush administration developed specific programs, the Andean strategy, and the Andean strategy went in and went after drugs at their source, stopped the drugs at their source. We know where cocaine is from. Can we stop it? Well, yes, we can. When I came in with the Republican majority in 1995 and we took over, we went to those countries, Mr. Zeliff did, the former chairman who had this subcommittee responsibility, and the gentleman from Illinois (Mr. HASTERT) who is now the Speaker of the House, we went to Bolivia, we talked to President Banzer and to other leaders there. We went to Peru and we talked to President Fujimori. We gave them a tiny bit of assistance and they completed their mission and have been completing their mission to eradicate cocaine and coca production, some 50 to 60 percent reduction in 2 or 3 years at very little cost to the taxpayer in stopping the production.

One of the problems we have had is that the administration for year after year after year has blocked assistance to Colombia until the whole Colombian region exploded and it became a regional disaster, and we had to pass a $1 billion-plus aid package to bail the administration out from their failed policy. That policy will work. The policy also has assistance to neighboring countries so if we stop production there, it does not spill over into other areas. It worked in the 1980s, it will work now. There is no question about it. We can stop drugs at their source.

Now, the second most effective way to stop drugs is to stop them as they come from the source. This administration has done everything they can to destroy the war on drugs. Now, if one is going to run a war on drugs, against drugs, how would one run that? Would one stop the programs or cut back the programs where they produce drugs at their source? That would be a farce, but that is exactly what this administration did.

This administration cut Federal spending for international programs 50 percent during the Democrat-controlled Congress from 1992 to 1994. They cut it some 50 percent, from $660 million to $329 million. In fact, we are barely getting back to the level of funding for international programs and the spike that we did provide with the Colombian aid package will bring us up to where we should be in going after drugs most cost-effectively at the source.

Now, again, the second area and most effective way to stop illegal narcotics, and a Federal responsibility, our responsibility as Congress is to stop the illegal narcotics before they come to our borders. President Reagan set up the Andean strategy. We set up a drug certification. If we allow drugs to come from their country into the United States, we stop foreign aid, we stop financial assistance, we stop trade and other benefits that we give as a country to that country that is sending poison into the United States. I helped draft the certification law. This administration has made a farce of the certification law from the very beginning, misapplying it, not applying it properly as it was intended, as it was applied during the Reagan and Bush administration. This they will tell us is a failure. I mean this is a decrease in drug use by everyone in this country, and they will tell us that that was a failure. I say that, in fact, this was a success.

This is the failure. We only see right here where the Republican-controlled Congress took effect where we restarted the programs on stopping drugs at their source, where we began to restart the programs to interdict drugs before they reach our borders. Again, each of these programs were dramatically cut and slashed, and today, we are paying the consequences and struggling to get these programs developed back in this successful war on drugs, in effect.

Mr. Speaker, it was one error compounded by another error. First, the administration withheld information and data to these other countries, information that was used to shoot down drug traffickers as the drugs left the source country and headed towards the United States. They said, we cannot do that. We could possibly hurt the hair on the back of some drug trafficker. Oh, we cannot send aid to Colombia, we might hurt some leftist guerilla or some rightist guerilla. I do not think there was concern about the right wing as there was about hurting the hair on the left wing.

In any event, nothing got sent there. They blocked it time and time again, the assistance. It would almost be ludicrous, but unfortunately, I must go back, and I cannot help but to cite some of the mistakes by this administration that we are paying for today. It would be ludicrous to think that they would, in fact, act in such a fashion.

This headline is from the Washington Post, August 4, 1994: U.S. Refusal to Share Intelligence in Drug Fight Called Absurd. One of the Democrats from the other side is the one who called it absurd, what the administration had done. We had stopped sharing information, stopped the ability of our allies in this war on drugs to go after drug traffickers, the beginning of the disaster that we inherited. Hearings also documented what the administration was doing in closing down a real war on drugs. My colleague, the gentleman from California (Mr. HORN) we were elected together in 1993, and we served on the Committee on Government Operations and I attended the hearing, and the gentleman from California (Mr. HORN) asked on August 2, 1994, ''As you recall, as of May 1, 1994, the Department of Defense decided unilaterally to stop sharing real-time intelligence regarding aerial trafficking of drugs with Colombia and Peru. Now, as I understand it, that decision, which has not been completely resolved, has thrown diplomatic relations with the host countries into chaos.'' August 2, 1994.

Mr. Speaker, that was a prediction of the beginning of the disaster of Colombia. We all saw it coming. We all knew that when we close down the source countries, when we stop interdicting drugs cost-effectively before they come into the United States and had our allies do it rather than us even do it, just by providing a little information to our friends.

Then, what did we need to go after the narcotics? There was almost zero heroin produced in Colombia in 1993, the beginning of this administration. Almost zero. But this Congress, Democrat-controlled Congress and White House managed to stop first information assistance, and then what do we need to stop the growth? We need something to go after the growth. That would be some helicopters. That would be helicopters that could fly at high altitudes, that would be helicopters that could go after drug traffickers and surveillance information.

Time and time again, hearing and hearing again, we begged this administration, and we even passed the financing of sending the assistance to Colombia. The President and others in this administration blocked that assistance. So we have seen an incredible explosion of cocaine production, of heroin production in Colombia.

This is a February of 1997 story, and it says, ''Delay of Copters Hobbles Colombia in Stopping Drugs.'' Guess what? When we do not have the equipment to go after where they are producing or trafficking, and 70 to 80 percent of the drugs coming into the United States are now produced, heroin and cocaine in that country, in fact, we do not stop the drugs. That is what caused us to do an emergency funding of $1 billion-plus for Colombia.

In each of these areas, the new Republican majority has tried to act in a responsible fashion to restore the source country programs. We will find in the Colombian aid package, in fact, a good balance between alternative crop development, because we know the peasants there must have some source of income, and we can help them be productive; we can also help them turn away from production of the death and destruction of cocaine, coca and poppies and heroin that are now swamping the United States. We can easily put these programs together for very few dollars. Unfortunately, now it is taking more dollars than it would have if we had done the preventive steps that we asked for some years ago.

Unfortunately, the administration has made this an even more difficult task by bungling the negotiations in Panama, by not allowing us to keep our forward-drug surveillance operating locations in Panama. Even if we gave back the base, all we needed was an operations center which we had had up until May of last year. The administration not only lost the military use, but bungled the negotiations to keep our forward operating locations. Part of the $1 billion package that we passed is now to fund $100-some million to replace the forward operating locations that we lost through the failed negotiations with Panama. All of our drug-forward surveillance operations were out of Howard Air Force base and now we have to pay to put them in Ecuador, and now we have to pay to put them in Aruba, and now we have to pay to put them at great expense into El Salvador. Two of those negotiations are semi-complete, but it will be 2002 before we get back to the capability we had last May to detect flights coming in with illegal narcotics and shipments from the source zone.

□ 2145

General Wilhelm, our general in charge of the Southern Command of this whole effort in surveillance, and the military does not get engaged in arresting people or going after illegal narcotics traffickers. They are even banned from that. What they do is provide surveillance and intelligence information from the surveillance which is passed on either to the country or to enforcement people.

According to General Wilhelm in a report that was provided to me as chairman of the subcommittee by the Government Accounting Office, General Wilhelm said that the Southern Command now, and again, in charge of looking at drugs coming in, can only detect and monitor 15 percent of the key routes in the overall drug trafficking area about 15 percent of the time.

Again, what is reported to our subcommittee in charge of drug policy is that this will not be corrected until 2002. That is an absolute disaster created by ineptness in the administration and direct policy-thwarting efforts.

I have talked about this many times. Again, they term this with decreasing drug use among our population as a failure. This is a success going up here. This is the Clinton success pattern. We have higher drug use, so that is an effective war on drugs. We dismantle the war on drugs piece by piece by piece and this is what we get, a flood of illegal narcotics, difficult to stem.

I want to say that we have instituted as a Republican majority the most extensive education campaign in the history of this Nation funded with $1 billion over 5 years. Today we held our second oversight hearing on it.

I had a different plan than the administration. I thought that those who get the airwaves, which are a public trust, should donate more time. The administration wanted to pay for time out of the taxpayers' pockets. As a compromise, and the way this place always works is a compromise, we have half the time being donated as a requirement and $1 billion of taxpayer money going into the campaign.

But we must do something to educate the public. We must do something to educate particularly the young people. I must do something as chairman of the subcommittee to make sure that the money that we spend in this most extensive campaign is appropriate and that it is working.

That was the reason for the hearing I held last October at the end of the first year of the campaign and today that we conducted to see if that is successful. I am not here as a Republican or a majority member saying that we can only criticize the other side. We have to tell what we have done.

In fact, we have put in place the most extensive campaign in the history of our Nation. Now we have to make sure it works. Will it work? I do not know yet, but we are going to do everything we can. We have put back into place the funding for the international programs, and finally, the missing piece to the puzzle.

This is not a great puzzle. The drugs, 70 percent of the cocaine, 75 percent of the heroin coming into the United States is coming from Colombia. We have stopped it in 2 or 3 years under the Republican majority working with Peru and Bolivia, and we have some assistance in this package for them.

It is coming from here. A lot of it transits through Mexico. That is another problem I could spend a whole night on, again the United States and this administration making a farce out of certification, cooperation on the drug effort, giving Mexico benefits left and right, financing their indebtedness, helping them open their borders, giving them the best trade benefits, and then letting Mexico thumb their nose at the United States.

It made a farce of the laws that the Reagan and Bush administration enforced, and also made Colombia the center of drug production for the hemisphere. The latest reports we have in the media today is a double of cocaine is reaching our European allies. I have met with our European allies soliciting their help in this region. We warned them that the cocaine and next the heroin is coming because of the tremendous production.

In fact, the latest statistics revealed just in the last few days show that Europe is getting swamped with cocaine, and I guarantee them that the heroin will follow, because they pay even more in Europe than they do in the United States. We have this flood of supply coming in.

Since our base in Panama is closed down, we have no forward operating location, and it may be over 2 years before the administration even has a clue to get it back in order. This is the mess that we have inherited. It does have consequences.

I have shown these before, these quite revealing charts. I have not doctored these or produced them myself, they were produced by the Sentencing Commission to our subcommittee in recent testimony.

By 1992, almost no crack in 1992. We do not even see methamphetamine on the chart at the beginning of this. Again, this is a failure in the war on drugs.

In 1993, the beginning of the administration, we see the beginning, the very beginning of crack. In 1994, in 1995, it is exploding. In 1996, 1997, almost up the entire map, out of control. What has gone down in crack is being supplemented by methamphetamine, designer drugs, and also we do not have heroin on the chart, which has absolutely skyrocketed off the charts.

This, again, is the result of I think a policy that can only be termed a failure. It is incredible how many times I hear that, again, the war on drugs is a failure; that some of the things that we have done, the tough enforcement will not work, that we have to liberalize our drug laws.

Recently the New York Times, a New York Times editorial, called for doing away with the Rockefeller laws. The Rockefeller laws were instituted in the 1970s under Governor Rockefeller, tough laws, and they established tough sentencing guidelines.

We often hear that the people behind bars are there because they have, say, used a small amount of illegal substances, marijuana. Small-time users are locked up in jail. That is what this New York Times editorial says, that our criminal justice system is clogged, and particularly they cite New York.

In fact, on New York, we conducted a hearing in Washington on the subject of New York. We brought in an individual, Catherine Lapp, who is the New York State director of criminal justice. She testified before our subcommittee. We asked specific questions about how many people were behind bars, and were in fact New York prisons clogged with people who were small-time users.

Let me cite her testimony before our subcommittee tonight before the House. This is Catherine Lapp: ''Over the last several years, there has been much debate in New York about the efficacy of our drug laws, oftentimes referred to as the Rockefeller drug laws, which were enacted in 1973 in response to the onslaught of drugs and drug-driven crime.

''Drug law reform advocates have argued that the drug laws have done little to remove drugs from our communities and only serve to imprison low level drug addicts in our State's prison system for lengthy periods of time.

''Advocates also argue that the law should be repealed in whole or in part and replaced with a system to provide treatment for all drug-addicted criminals. My response to this position is twofold. First, the facts do not bear

out the position that there are thousands of low level drug-addicted offenders sentenced each year to State prison for lengthy periods of imprisonment on charges of possession of small amounts of drugs.''

That is the first premise she makes here.

She says, ''Secondly, New York State has developed a rather sophisticated and progressive system for providing drug treatment options and alternatives to incarceration opportunities for dealing with drug-addicted non-violent offenders. The success of that system, however, is premised on large part on the fact that the offenders are motivated to take advantage of the options in order to avoid mandatory prison terms.''

Some of the statistics that she cited in her testimony to me, and this is nothing I have made up, the New York Times editorial will tell us they are draconian laws, and that 22,000 inmates are currently confined in their State prison; that inmates are nonviolent users and small-time sellers.

Again, she did the most extensive survey ever done in New York, and this is some of what she found. First of all, she says, ''We also took a random review of the case files for the first-time felony offenders sentenced to State prison in what I believe is a very persuasive way. This documented the various reasons why they were sent to prison.

''In simple terms, the offenders gave judges little choice, as the offenders consistently and routinely thumb their noses at the system, showing little remorse for their actions or interest in seeking treatment. Finally, those sentenced to the State prison received, on average,'' on average, and this is what they call ''locked up forever for small-time use penalties,'' ''On average, 13 months in prison, hardly the lengthy sentences which the drug law reform advocates suggest.''

As for repeat drug offenders, our report also documented that only 30 percent of persons with prior felony arrest histories who were arrested for a drug felony actually received a sentenced State imprisonment, only 30 percent.

There are roughly 22,000 individuals, that is the only thing that matches with the New York Times editorial, currently serving time in New York State prison for drug offenses. Eighty-seven percent of them are actually serving time for selling drugs, not mere possession, and over 70 percent have more than one felony conviction on their records.

''Of the persons serving time for drug possession charges, 76 percent were actually arrested for sale or intent to sell and eventually pled down to possession.''

Again, that is testimony that is absolutely in conflict with the New York Times' liberal editorial that would tell us that the State prisons in New York, because of the tough Rockefeller laws, are full of small-time users and offenders.

This article goes on or this testimony goes on to talk about some of the things that have also been done in New York. I would like to go ahead and cite them.

''I would like to submit that those who advocate a wholesale repeal of the New York State drug laws in favor of treatment for substance-abusing offenders actually miss the point and fail to appreciate or choose to ignore the realities of the system.

''Perhaps the most compelling argument in favor of maintaining tough drug laws as a way to motivate substance-abusing offenders is found in reports of the King's County Detab, a drug program our subcommittee has looked at that is very successful in King'S County, close to New York City.

''On average, over 30 percent of the defendants screened and deemed eligible for this program actually declined to participate in the 18-month residential treatment program, opting instead to go to State prison.'' This is despite the fact that if they were to successfully complete the program, the charges would be dropped and wiped off their record.

□ 2200

What would we do with this category of offenders in the absence of mandatory minimums? Return them to the communities?

In recent years, changes have been made to the New York State drug laws. Now, the next thing I will tell my colleagues is the drug laws in New York, because of the Rockefeller laws, are inflexible. Ms. Lapp testified, in recent years, changes have been made to the New York State drug laws to permit certain nonviolent offenders to be diverted from prison and to treatment programs or to be released from prison early following successful completion of treatment.

This is the bologna, the tripe put out by the New York Times, the liberal press. This is the fact, the testimony of Catherine Lapp, New York State Director of Criminal Justice before our subcommittee. This is the most extensive survey done on who is behind bars.

Again, it is unbelievable that the media would not print the facts on what is happening in New York or in other jurisdictions and would have us believe that tough sentencing mandatory minimum sentencing should be withdrawn.

We had testimony before our subcommittee from the Federal Sentencing Commission, and we have also asked the question of law enforcement officials in almost every one of our hearings and field hearings across the country and before us in Washington, should we reduce minimum mandatory? Without exception, the answer has been no.

Most people do not realize that we have instituted, in fact, a safety valve and flexibility in the Federal law that does give discretion, that does allow for alternative programs, and does give small time offenders an opportunity.

But, again, what is portrayed by the media is that one would have small-time users and abusers or even sellers behind prison bars, and it does not jibe at all with the facts that have been presented before our subcommittee.

Mr. Speaker, I want to again address some of the myths about policies, tough policies versus liberal policies. New York City has to be the best example of the successful implementation of a zero tolerance as far as drug enforcement, as far as tough enforcement.

When Rudy Guliani, the mayor, took office in the mid or early 1990s here, they are averaging 2,000 deaths in New York. That is down to the mid-600 range, a dramatic decrease.

We called Rudy Guliani in before our subcommittee, and we have also examined the record in that community with a zero tolerance program. The latest statistics reveal that crime is down some 57.6 percent for seven major crimes. Murder is down 58 percent, rape down 31 percent, robbery down 62 percent, felony assaults down 35 percent, burglary down almost 62 percent, grand larceny down 42 percent, and grand larceny auto down almost 69 percent.

Here again the liberals attack the zero tolerance policy. Either one has an activity where one has the liberals calling for more enforcement, or they are ganging up on the mayor in New York City because of tough enforcement. It is either not enough or too much.

But it is interesting. We went back to examine when the mayor was criticized during the fatal shooting that took place by a police officer that, in fact, the number of fatal shootings by police officers in 1999, 11, was the lowest for any year since 1973, the first year for which records are available, and far less than the number of 41 police shootings that took place in 1990.

Moreover, the number of rounds intentionally fired by police declined some 50 percent since 1993, and the number of intentional shooting incidents by police dropped by some 66.5 percent, while the number of police officers that Mr. Guliani actually put in place actually increased by 37.9 percent.

The statistics, again, people do not want to deal with the hard facts. The liberal media will tell us that this policy does not work. The policy does work. The murder and nonnegligent manslaughter down dramatically to the mid 600s. The seven major felony categories down dramatically under this tough enforcement policy.

Now, I want to know where the liberals were when David Dinkins' administration was in office. There were 62 percent more shootings by police officers per capita in the last year of David Dinkins' administrations, the last year, than under Mayor Guliani. Where was Mr. Sharpton? Where were the liberals when these incidents were taking place?

I will tell my colleagues where the liberals were. One of them was in Baltimore, and he was the mayor, Mayor Schmoke. He adopted a nonenforcement, let them do it, we will treat them, do not worry about it, let it all hang out, that is good. Fortunately, Baltimore got rid of the mayor. The mayor is gone. But the deaths in Baltimore during 1998, 1999, 1997 all ranged over 300.

This is a liberal policy. This is a nonenforcement policy. This is the opposite of zero tolerance. They have created a hell hole in one of our Nation's most beautiful and historic cities, Baltimore, where the population of addiction is somewhere between 50,000 and 60,000 individuals.

This is the statistic, this chart was given to us in 1996 where they only had 39,000 addicts in Baltimore. That is through the leadership of a liberal policy. They now have one in eight, according to a city council member, of the population of Baltimore through this liberal policy an addict. Can my colleagues imagine extending this throughout the entire Nation, one in eight in our population? The worst thing about this is they cannot even get 50 percent of those who are addicted to show up for a treatment program or to participate in a program. Imagine demands on the social services.

Fortunately, they have a new mayor. Fortunately, we held a hearing, our subcommittee, in Baltimore. We held a hearing at the beginning of the week. Fortunately, by the end of the week, the mayor who sat there and heard the testimony of the previous police chief fired him and put in a zero tolerance person. That is what we intend to support.

The subcommittee, in fact, met this morning before our hearing with Mr. General McCaffrey and the gentleman from Maryland (Mr. CUMMINGS) who represents this devastated area. We will bring these statistics down, and we can do it through a zero tolerance policy. Other cities have done it. Richmond, Virginia has done it. Others have had tough enforcement.

We will do our best to provide treatment. But one cannot just treat the wounded in a battle. Imagine fighting a war and not going after the enemy, not going after the source of the weapon of destruction coming after one. That is what they have been trying to do, and it has not worked. It will not work. It will not work.

So the liberal media that is out there telling us that we must legalize, that zero tolerance does not work, that the war on drugs is a failure, in fact they are the failure that we have because they repeat this message.

It is my hope again that we can continue to work in a bipartisan fashion. I have done my best to work with folks on putting the package together, the Colombian aid package. It was delayed for 5 years, and we got it done in 5 months. It is my hope that we can work on other programs and successfully combat this terrible plague upon our Nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. GEPHARDT) for July 10 and July 11 on account of family medical reasons.

Mr. HILL of Indiana (at the request of Mr. GEPHARDT) for July 10 on account of flight delays.

Ms. SLAUGHTER (at the request of Mr. GEPHARDT) for today after 2:00 p.m. through 1:00 p.m. July 12 on account of attending the Women's Progress Commemoration Commission meeting in Seneca Falls, New York.

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. PALLONE) to revise and extend their remarks and include extraneous material:)

Mr. PALLONE, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. UPTON) to revise and extend their remarks and include extraneous material:)

Mr. MILLER of Florida, for 5 minutes, today.

Mr. METCALF, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, today.

Mr. ADERHOLT, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and July 12.

Mr. SCHAFFER, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. BATEMAN, for 5 minutes, today.

Mr. UPTON, for 5 minutes, today.

Mr. KOLBE, for 5 minutes, today.

Mr. BASS, for 5 minutes, today.

Mrs. JOHNSON of Connecticut, for 5 minutes, today.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Member (at the request of Mr. ADERHOLT) to revise and extend his remarks and include extraneous material:)

Mr. KASICH, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. LATOURETTE, for 5 minutes, today.

ADJOURNMENT

Mr. MICA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 10 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 12, 2000, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

8464. A letter from the Administrator, Department of Agriculture, transmitting the Department's final rule—Agricultural Disaster and Market Assistance (RIN: 0560–AG14) received June 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8465. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Plum Pox [Docket No. 00–034–1] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

8466. A letter from the Secretary of Agriculture, transmitting a draft bill entitled, ''U.S. Department of Agriculture Mediation and Arbitration for Agriculture Products in Foreign Commerce Act of 2000''; to the Committee on Agriculture.

8467. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; Waiver of Cost Accounting Standards [DFARS Case 2000–D012] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8468. A letter from the Acting Director, Defense Procurement, Department of Defense, transmitting the Department's final rule—Defense Federal Acquisition Regulation Supplement; NAFTA Procurement Threshold [DFARS Case 2000–D011] received June 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

8469. A letter from the Special Assistant to the Bureau Chief, Mass Media Bureau, Federal Communications Commission, transmitting the Commission's final rule—Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations (Saranac Lake and Westport, New York) [MM Docket No. 99–83 RM–9500 RM–9722] received May 26, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

8470. A letter from the Secretary of Health and Human Services, transmitting a draft bill entitled, ''FDA Review Fee Act of 2000''; to the Committee on Commerce.

8471. A letter from the Director, Office of Personnel Management, transmitting a legislative proposal entitled, ''Federal Employees Student Loan Repayment Benefit Amendments Act of 2000''; to the Committee on Government Reform.

8472. A letter from the General Counsel, Federal Energy Regulatory Commission, transmitting the Commission's final rule—Regulations under the Outer Continental Shelf Lands Act Governing ther Movement of Natural Gas on Facilities on the Outer Continental Shelf [Docket No. RM99–5–000; Order No. 639] received April 18, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

8473. A letter from the Secretary of the Interior, transmitting a draft bill entitled, ''Hardrock Mining Production Payments Act''; to the Committee on Resources.

8474. A letter from the Register of Copyrights and Assistant Secretary for Communications and Information, Department of Commerce and the Library of Congress, transmitting the Joint Study of Section 1201(g) of The Digital Millennium Copyright

Act, pursuant to Public Law 105–304 section 1201(g)(5) 112 stat. 2868; to the Committee on the Judiciary.

8475. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a report on the Townsends Inlet to Cape May Inlet Feasibility Study; to the Committee on Transportation and Infrastructure.

8476. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—SAFETY ZONE: Parade of Tall Ships Newport 2000, Newport, RI [CGD01–99–198] (RIN: 2115–AA97) received June 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8477. A letter from the Chief, Office of Regulations and Administrative Law, USCG, Department of Transportation, transmitting the Department's final rule—Drawbridge Operating Regulations; China Basin, Mission Creek, San Francisco, CA [CGD11–00–003] (RIN: 2115–AE47) received June 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8478. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Passenger Facility Charges [Docket No. FAA–2000–7402; Amendment No. 158–2] (RIN: 2120–AH05) received May 25, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

8479. A letter from the Director, Federal Emergency Management Agency, transmitting a draft legislation to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to authorize programs for predisaster mitigation, to apply section 404(b) open space requirements to any FEMA assisted acquisitions for open space purposes, to control the Federal costs of disaster assistance, and for other purposes; to the Committee on Transportation and Infrastructure.

8480. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Children suffering from Spina Bifida who are Children of Vietnam Veterans (RIN: 2900–AJ25) received June 2, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

8481. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft bill, ''To amend chapter 37 of title 38, United States Code, to extend the program for making direct housing loans to Native American Veterans, to repeal little-used loan authorities, to make technical amendments to the guaranteed housing loan program for veterans, and for other purposes''; to the Committee on Veterans' Affairs.

8482. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft bill, ''To authorize major medical facility projects for the Department of Veterans Affairs for Fiscal Year 2001 and for other purposes''; to the Committee on Veterans' Affairs.

8483. A letter from the General Counsel, Department of the Treasury, transmitting a draft bill, ''To amend the Customs user fee statute to extend for seven years the authorization for collection of such fees''; to the Committee on Ways and Means.

8484. A letter from the Acting General Counsel, Department of Defense, transmitting a draft bill entitled, ''Social Security Military Wage Credits''; to the Committee on Ways and Means.

8485. A letter from the Assistant Secretary, Department of the Interior, transmitting a draft bill, ''To authorize the Use and Distribution of the Western Shoshone Judgement Funds in Docket Nos. 326–K, 326–A–1, and 326–A–3''; jointly to the Committees on Resources and Ways and Means.

8486. A letter from the Assistant Secretary for Policy Management and Under Secretary for Natural Resources and Environment, Departments of the Interior and Agriculture, transmitting a draft bill, ''To authorize the Secretary of the Interior and the Secretary of Agriculture to establish permanent recreational fee authority''; jointly to the Committees on Resources and Agriculture.

8487. A letter from the Assistant Secretary of the Army, Civil Works, Department of Defense, transmitting a draft bill entitled, ''Water Resources Development Act of 2000''; jointly to the Committees on Transportation and Infrastructure and Resources.

8488. A letter from the Secretary of Transportation, transmitting a proposed bill, ''To authorize appropriations out of the Highway Trust Fund for the motor vehicle safety programs of the National Highway Trafic Safety Administration for fiscal year 2001''; jointly to the Committees on Transportation and Infrastructure and Commerce.

8489. A letter from the Assistant Secretary for Planning and Analysis, Department of Veterans Affairs, transmitting a draft bill entitled, ''Enhanced Veterans' Education Benefits Act of 2000''; jointly to the Committees on Veterans' Affairs and Armed Services.

8490. A letter from the Director, Executive Office of the President, transmitting the Annual Report to Congress on Combating Terrorism, pursuant to Public Law 105–85 section 1031(b) (111 Stat. 1880); jointly to the Committees on Armed Services, the Judiciary, and Transportation and Infrastructure.

8491. A letter from the Secretary of Energy and Secretary of the Interior, transmitting proposed legislation to: (1) transfer the majority of Naval Oil Shale Reserve No. 2 (NOSR–2) to the Ute Indian Tribe (subject to certain conditions for environmental protection), and (2) authorize the Department of Energy to take remedial action at the mill tailings site; jointly to the Committees on Armed Services, Resources, and Commerce.

8492. A letter from the Secretary of Health and Human Services, transmitting the draft bill entitled, ''Child Support Enforcement Amendments of 2000''; jointly to the Committees on Ways and Means, Commerce, and the Judiciary.

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. SMITH of Texas: Committee on the Judiciary. H.R. 2961. A bill to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program, and for other purposes (Rept. 106–721). Referred to the Committee of the Whole House on the State of the Union.

Mr. COBLE: Committee on the Judiciary. H.R. 4034. A bill to reauthorize the United States Patent and Trademark Office (Rept. 106–722). Referred to the Committee of Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 4063. A bill to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, and for other purposes; with amendments (Rept. 106–723). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. S. 1892. An act to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for the resource within the Department of Agriculture, and for other purposes (Rept. 106–724). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 3489. A bill to amend the Communications Act of 1934 to regulate intestate commerce in the use of mobile telephones and to strengthen and clarify prohibitions on electronic eaves-dropping, and for other purposes; with an amendment (Rept. 106–725 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on Judiciary. H.R. 3489. A bill to amend the Communications Act of 1934 to regulate intestate commerce in the use of mobile telephones and to strengthen and clarify prohibitions on electronic eaves-dropping, and for other purposes; with an amendment (Rept. 106–725 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRYCE of Ohio: Committee on Rules. House Resolution 545. Resolution providing for consideration of the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001 (Rept. 106–726). Referred to the House Calendar.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 546. Resolution providing for consideration of the bill (H.R. 4811) making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, and for other purposes (Rept. 106–727). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. ANDREWS (for himself, Mr. CLAY, Mr. ROMERO-BARCELO, and Mrs. MCCARTHY of New York):

H.R. 4820. A bill to create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. CAPPS (for herself, Mr. NORWOOD, Ms. CARSON, Mr. ROMERO-BARCELO, Mr. FROST, Mr. INSLEE, Mr. PAYNE, Mr. TOWNS, Mr. MCNULTY, Mr. BARRETT of Wisconsin, Mr. MCGOVERN, Mr. MARKEY, Mr. UPTON, Mr. BAIRD, Ms. DANNER, Ms. KILPATRICK, Mrs. MEEK of Florida, Ms. LEE, Mr. BALDACCI, Mr. GILCHREST, Mr. WYNN, Ms. ROYBAL-ALLARD, Ms. MILLENDER-MCDONALD, Mr. GONZALEZ, Ms. DELAURO, Mr. HASTINGS of Florida, Mrs. MALONEY of New York, Mrs. THURMAN, Mr. DAVIS of Illinois, Mrs. CLAYTON, Mr. PASTOR, and Mr. HOYER):

H.R. 4821. A bill to authorize the Secretary of Health and Human Services to make grants to the States with respect to dental health programs for children; to the Committee on Commerce.

By Mr. FATTAH:

H.R. 4822. A bill to amend the Housing and Community Development Act of 1974 and the Federal Home Loan Bank Act to increase

capital available to communities for community and economic development projects, and for other purposes; to the Committee on Banking and Financial Services.

By Ms. SCHAKOWSKY:

H.R. 4823. A bill to amend title 5, United States Code, to prohibit executive agencies from using funds to hire independent entities to influence employees with respect to exercising their rights of collective bargaining; to the Committee on Government Reform.

By Mr. SHAYS:

H.R. 4824. A bill to amend the Harmonized Tariff Schedule of the United States to provide separate subheadings for hair clippers used for animals; to the Committee on Ways and Means.

By Mr. CAMPBELL:

H. Con. Res. 370. Concurrent resolution calling upon the Government of Turkey to withdraw its armed forces from the island of Cyprus and to negotiate for the reunification of the Republic of Cyprus; to the Committee on International Relations.

By Mr. GALLEGLY (for himself, Mr. GONZALEZ, Mr. ACKERMAN, Mr. BALLENGER, Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. LANTOS, Mr. ROHRABACHER, Mr. PAYNE, and Mr. BROWN of Ohio):

H. Res. 544. A resolution congratulating the people of the United Mexican States on the success of their democratic elections held on July 2, 2000; to the Committee on International Relations.

By Mr. NEAL of Massachusetts (for himself, Mr. GILMAN, Mr. GEJDENSON, Mr. KING, Mr. CROWLEY, Mr. WALSH, Mr. MENENDEZ, Mr. SMITH of New Jersey, Mr. ACKERMAN, and Mr. LAZIO):

H. Res. 547. A resolution expressing the sense of the House of Representatives with respect to the peace process in Northern Ireland; to the Committee on International Relations.

By Mr. SCHAFFER (for himself, Mr. HEFLEY, and Mr. TANCREDO):

H. Res. 548. A resolution expressing the sense of Congress regarding the national motto for the government of a religious people; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 40: Mr. DOOLEY of California.
H.R. 207: Ms. MCKINNEY.
H.R. 407: Mr. METCALF.
H.R. 531: Mr. MINGE and Mr. CRAMER.
H.R. 632: Mr. BORSKI.
H.R. 714: Ms. MILLENDER-MCDONALD and Mr. STUPAK.
H.R. 1102: Mr. CROWLEY and Mr. FOSSELLA.
H.R. 1116: Mr. SHIMKUS, Mr. MCHUGH, and Mr. SKELTON.
H.R. 1248: Mr. WALSH.
H.R. 1495: Mr. THOMPSON of Mississippi.
H.R. 1505: Mr. STUPAK.
H.R. 1515: Mr. TOWNS.
H.R. 1816: Mr. BONIOR.
H.R. 1926: Mr. FOLEY.
H.R. 1976: Mr. GILCHREST.
H.R. 2066: Mr. BOEHLERT.
H.R. 2166: Mrs. MINK of Hawaii, Mr. DIAZ-BALART, Mr. MCDERMOTT, Mr. ROMERO-BARCELO, Mr. MCGOVERN, and Mr. EHLERS.
H.R. 2321: Ms. MCKINNEY and Mr. BLAGOJEVICH.
H.R. 2397: Mr. PASCRELL.
H.R. 2457: Mr. DAVIS of Illinois, Mrs. MINK of Hawaii, and Mr. SABO.
H.R. 2780: Mr. LAMPSON, Mr. REYES, and Ms. MILLENDER-MCDONALD.
H.R. 2870: Ms. MCKINNEY.
H.R. 2883: Mr. HOSTETTLER and Mr. RYUN of Kansas.
H.R. 2953: Mr. LUTHER, Mr. PHELPS, Mr. RAHALL, and Mr. REYNOLDS.
H.R. 3044: Ms. BROWN of Florida.
H.R. 3168: Mr. HILLEARY.
H.R. 3192: Mr. UPTON, Mr. DAVIS of Illinois, Mr. MCDERMOTT, Mr. RANGEL, Mr. CLEMENT, and Ms. MILLENDER-MCDONALD.
H.R. 3193: Mr. PAYNE, Mr. COSTELLO, and Mr. SISISKY.
H.R. 3235: Mr. CANADY of Florida.
H.R. 3241: Mr. CLYBURN, Mr. DEMINT, and Mr. GRAHAM.
H.R. 3328: Mr. KILDEE.
H.R. 3517: Mr. HOBSON.
H.R. 3518: Mr. DEAL of Georgia.
H.R. 3540: Mr. BALDACCI.
H.R. 3561: Mr. KLINK.
H.R. 3634: Mr. DEUTSCH.
H.R. 3825: Mr. SERRANO.
H.R. 3850: Mr. KLINK.
H.R. 3874: Mr. LAMPSON, Mr. RODRIGUEZ, and Mr. DEFAZIO.
H.R. 3880: Mr. FLETCHER.
H.R. 4025: Mr. FLETCHER.
H.R. 4061: Mr. ENGLISH, Mr. MORAN of Virginia, Ms. NORTON, and Mr. ROMERO-BARCELO.
H.R. 4082: Mr. BARTLETT of Maryland, Mr. SPRATT, and Mr. SCOTT.
H.R. 4133: Mr. KUCINICH.
H.R. 4211: Mr. TIERNEY and Ms. EDDIE BERNICE JOHNSON of Texas.
H.R. 4215: Mr. LUCAS of Oklahoma.
H.R. 4219: Ms. BROWN of Florida, Mr. COOKSEY, Mr. MCKEON, Mr. KIND, Mrs. MCCARTHY of New York, Mr. PAYNE, Mr. NADLER, Mr. MASCARA, and Mrs. MALONEY of New York.
H.R. 4308: Mrs. NORTHUP.
H.R. 4334: Mr. FRANK of Massachusetts.
H.R. 4353: Mr. MOAKLEY and Ms. LOFGREN.
H.R. 4368: Ms. CARSON.
H.R. 4390: Mr. MATSUI, Mr. THOMPSON of Mississippi, and Mr. NADLER.
H.R. 4424: Mr. STRICKLAND.
H.R. 4471: Mr. BRADY of Pennsylvania, Mr. FATTAH, Mr. KANJORSKI, Mr. SANDERS, Mr. STARK, Ms. VELAZQUEZ, and Mr. WATT of North Carolina.
H.R. 4539: Mr. WAXMAN, Mr. CROWLEY, and Mr. NADLER.
H.R. 4543: Mr. TANNER, Mr. WELLER, Ms. KAPTUR, Mr. DOOLITTLE, and Mr. SHIMKUS.
H.R. 4548: Mr. BONILLA and Mr. LEWIS of Kentucky.
H.R. 4582: Mr. SCHAFFER and Mr. ENGLISH.
H.R. 4598: Mrs. MEEK of Florida, Mr. GORDON, Mr. PORTMAN, Mr. BALDACCI, and Mr. BALDWIN.
H.R. 4606: Mr. GONZALEZ, Mr. TIERNEY, Ms. LEE, and Mr. MATSUI.
H.R. 4651: Mr. BROWN of Ohio.
H.R. 4652: Mr. KUCINICH and Mr. STUPACK.
H.R. 4737: Mr. PITTS.
H.R. 4746: Mr. LUCAS of Oklahoma.
H.R. 4758: Mr. BOUCHER.
H.R. 4759: Mrs. EMERSON and Mr. BALDACCI.
H.R. 4793: Mr. JONES of North Carolina and Mr. MCCRERY.
H.R. 4807: Ms. BROWN of Florida, Mrs. CAPPS, Mr. STRICKLAND, Mr. BALDACCI, Mr. MARTINEZ, Mr. MCHUGH, Mr. HORN, Mr. FROST, Ms. ROYBAL-ALLARD, Mr. THOMPSON of California, Mr. BAIRD, Mr. BENTSEN, and Mr. EVANS.
H.J. Res. 100: Mr. FILNER, Mr. BORSKI, Ms. ROYBAL-ALLARD, Mr. SAWYER, Mr. CLEMENT, Mr. FORD, Mr. FROST, and Ms. ROS-LEHTINEN.
H. Con. Res. 58: Mr. GUTKNECHT, Ms. MILLENDER-MCDONALD, Mrs. CAPPS, Mr. GORDON, Mr. LOBIONDO, and Ms. DANNER.
H. Con. Res. 297: Mr. THOMPSON of Mississippi.
H. Con. Res. 305: Mr. PORTMAN, Mr. BARR of Georgia, Mr. SUNUNU, Mr. MCINTYRE, Mr. RAHALL, Mrs. CUBIN, and Mr. LUCAS.
H. Con. Res. 306: Mr. MEEHAN, Mr. UDALL of New Mexico, Ms. MCCARTHY of Missouri, Mr. EHLERS, Ms. SANCHEZ, Mr. ROTHMAN, Mr. BLAGOJEVICH, Mrs. JONES of Ohio, Mr. HOBSON, Mr. FLETCHER, Ms. MILLENDER-MCDONALD, Mr. ORTIZ, Mrs. MALONEY of New York, Mr. OWENS, Mr. MOAKLEY, and Mr. THOMPSON of Mississippi.
H. Con. Res. 307: Mr. PORTER, Mr. SALMON, and Mr. REYES.
H. Con. Res. 321: Ms. DANNER, Mr. MENENDEZ, Mr. MCKEON, Mr. HOLT, Mr. GONZALEZ, Mr. ETHERIDGE, Mr. BRADY of Pennsylvania, and Ms. MCKINNEY.
H. Con. Res. 345: Mr. BURTON of Indiana and Mr. BUYER.
H. Con. Res. 357: Mr. FOLEY and Mr. ROTHMAN.
H. Con. Res. 363: Mr. FROST, Mr. ENGLISH, and Mr. SHERMAN.
H. Con. Res. 367: Ms. STABENOW, Mr. ROGAN, and Mr. LIPINSKI.
H. Res. 461: Mr. UPTON, Ms. PELOSI, Mrs. MALONEY of New York, and Mr. WU.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 4811

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 3: In title I of the bill under the heading ''EXPORT AND INVESTMENT ASSISTANCE–SUBSIDY APPROPRIATION'', after the first dollar amount insert ''(decreased by $25,000,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–DEVELOPMENT ASSISTANCE'', after the first dollar amount insert ''(decreased by $49,500,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT'', after the first dollar amount insert ''(decreased by $30,000,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–DEPARTMENT OF STATE–INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'', after the first dollar amount insert ''(increased by $99,500,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–DEPARTMENT OF STATE–INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'', add at the end before the period the following: '': *Provided further*, That of the funds appropriated under this heading, the following amounts shall be made available for the purchase of the following equipment for the Colombian National Police (in addition to other amounts available for the Colombian National Police): $39,000,000 for the purchase of three DHC–5 Buffalo transport aircraft, including spare parts and maintenance services from Garrett Aviation Services; $15,000,000 to purchase and equip (including floor armoring, Star Saffire InSb FLIRs, and GAU–19A defensive weapons systems for both doors, external fuel tanks, and flare and chafe defensive anti-missile kits) one UH–60L Black Hawk utility helicopter; $25,000,000 for the purchase of .50 caliber ammunition linked 4 to 1 (''tracer type'' ammunition) for use with the GAU–19A defensive weapons system; $3,500,000 for the purchase of Sig-Arms sidearms for the DANTI, DIJIN, COPES, and CIP counternarcotics units; $10,000,000 for the purchase of flare and chafe defensive anti-missile kits, floor armoring, Star Saffire InSb FLIRs, and GAU–19A defensive weapons

systems for both doors for all new and existing UH–60L Black Hawk utility helicopters; $1,000,000 for the establishment of a spare parts supply line, including a replacement spare engine for the existing DC–3 aircraft, from Basler Turbo Conversions; $1,000,000 for the purchase five Cessna trainer aircraft for the fixed wing pilot academy of the Colombian National Police; $5,000,000 for the purchase of Schweizer SA2–37A/38 intelligence aircraft for counternarcotics operations''.

H.R. 4811

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 4: In title I of the bill under the heading ''EXPORT AND INVESTMENT ASSISTANCE–SUBSIDY APPROPRIATION'', after the first dollar amount insert ''(decreased by $25,000,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–DEVELOPMENT ASSISTANCE'', after the first dollar amount insert ''(decreased by $49,500,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT'', after the first dollar amount insert ''(decreased by $30,000,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–DEPARTMENT OF STATE–INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT'', after the first dollar amount insert ''(increased by $99,500,000)''.

H.R. 4811

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 5: At the end of the bill (preceding the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE FOR THE GOVERNMENT OF INDIA

SEC. 701. None of the funds appropriated or otherwise made available in this Act in title II under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–DEVELOPMENT ASSISTANCE'' MAY BE MADE AVAILABLE TO THE GOVERNMENT OF INDIA.

H.R. 4811

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 6: At the end of the bill (preceding the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON ASSISTANCE FOR THE GOVERNMENT OF INDIA

SEC. 701. Of the funds appropriated or otherwise made available in this Act in title II under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–DEVELOPMENT ASSISTANCE'', NOT MORE THAN $35,000,000 MAY BE MADE AVAILABLE TO THE GOVERNMENT OF INDIA.

H.R. 4811

OFFERED BY: MR. BURTON OF INDIANA

AMENDMENT NO. 7: At the end of title V, add the following:

SEC. 590. The amounts otherwise provided by this Act are revised by increasing the amount made available in title II under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–AGENCY FOR INTERNATIONAL DEVELOPMENT–CHILD SURVIVAL AND DISEASE PROGRAMS FUND'', and by decreasing the amount made available under the heading ''BILATERAL ECONOMIC ASSISTANCE–OTHER BILATERAL ECONOMIC ASSISTANCE–ECONOMIC SUPPORT FUND'' for the Government of India, by $5,000,000.

H.R. 4811

OFFERED BY: MR. CALLAHAN

AMENDMENT NO. 8: Page 35, line 2, before the colon insert the following: ''*: Provided further,* That notwithstanding the previous proviso, $250,000,000 of the funds appropriated under this heading and made available for Israel shall not be disbursed until the Secretary of Defense certifies to the appropriate committees of the Congress that the proposed transfer by Israel to China of equipment and technology associated with the ''Phalcon'' radar system does not pose a threat to the national security of the United States or has been canceled by the Government of Israel''.

H.R. 4811

OFFERED BY: MR. COX

AMENDMENT NO. 9: At the end of the bill (preceding the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON ASSUMPTION OF FINANCIAL RESPONSIBILITY FOR NUCLEAR POWER PLANT CONSTRUCTION AND NUCLEAR ACCIDENTS IN NORTH KOREA

SEC. 701. None of the funds made available in this Act may be used to implement or administer the assumption by the United States, or any of its agencies or instrumentalities, of financial responsibility for the construction of nuclear power plants, or the costs of nuclear accidents, in North Korea.

H.R. 4811

OFFERED BY: MR. FILNER

AMENDMENT NO. 10: In title IV of the bill under the heading ''MULTILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–CONTRIBUTION TO THE INTERNATIONAL DEVELOPMENT ASSOCIATION'', add at the end before the period the following: ''*: Provided further,* That of the funds appropriated under this heading, not less than $3,500,000 shall be made available for programs carried out by the Kurdish Human Rights Watch for the Kurdistan region of Iraq''.

H.R. 4811

OFFERED BY: MR. GREENWOOD

AMENDMENT NO. 11: Strike section 587 of the bill (page 124, strike line 4 and all that follows through line 15 on page 127).

H.R. 4811

OFFERED BY: MR. HOSTETTLER

AMENDMENT NO. 12: In title III of the bill under the heading ''MILITARY ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–FOREIGN MILITARY FINANCING PROGRAM'', in the first proviso after the first dollar amount insert ''(decreased by $250,000,000)''.

H.R. 4811

OFFERED BY: MR. KUCINICH

AMENDMENT NO. 13: At the end of the bill (preceding the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

PROHIBITION ON FUNDS FOR KOSOVO PROTECTION CORPS

SEC. 701. None of the funds appropriated or otherwise made available in this Act may be made available for the Kosovo Protection Corps.

H.R. 4811

OFFERED BY: MS. LEE

AMENDMENT NO. 14: Page 39, after line 18, insert the following:

CONTRIBUTION TO THE WORLD BANK AIDS MARSHALL PLAN TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

For payment to the World Bank AIDS Marshall Plan Trust Fund by the Secretary of Treasury, to become available only upon the enactment of authorizing legislation and the establishment of such fund within the International Bank for Reconstruction and Development, to be derived by transfer of $50,000,000 from the amount provided in this Act under each of the headings ''International Narcotics Control and Law Enforcement'' and ''International Military Education and Training'', and to remain available until expended, $100,000,000.

H.R. 4811

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 15: Strike section 587 of the bill (page 124, strike line 4 and all that follows through line 15 on page 127).

H.R. 4811

OFFERED BY: MRS. LOWEY

AMENDMENT NO. 16: At the end of the bill (preceding the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

POPULATION PLANNING ACTIVITIES OR OTHER POPULATION ASSISTANCE

SEC. 701. None of the funds appropriated or otherwise made available by this Act may be used to implement section 587 of this Act.

H.R. 4811

OFFERED BY: MR. PAUL

AMENDMENT NO. 17: At the end of the bill (preceding the short title), insert the following:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

LIMITATION ON FUNDS FOR ABORTION, FAMILY PLANNING, OR POPULATION CONTROL EFFORTS

SEC. 701. (a) LIMITATION.—NONE OF THE FUNDS APPROPRIATED OR OTHERWISE MADE AVAILABLE BY THIS ACT MAY BE MADE AVAILABLE FOR—

(1) population control educational programs or population policy educational programs;

(2) family planning services, including, but not limited to—

(A) the manufacture and distribution of contraceptives;

(B) printing, publication, or distribution of family planning literature; and

(C) family planning counseling;

(3) abortion and abortion-related procedures; or

(4) efforts to change any nation's laws regarding abortion, family planning, or population control.

(b) ADDITIONAL LIMITATION.—None of the funds appropriated or otherwise made available by this Act may be made available to any organization which promotes or makes available—

(1) population control educational programs or population policy educational programs;

(2) family planning services, including, but not limited to—

(A) the manufacture and distribution of contraceptives;

(B) printing, publication, or distribution of family planning literature; and

(C) family planning counseling;

(3) abortion and abortion-related procedures; or

(4) efforts to change any nation's laws regarding abortion, family planning, or population control.

H.R. 4811

OFFERED BY: MR. ROEMER

AMENDMENT NO. 18: In title II of the bill under the heading ''BILATERAL ECONOMIC

ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–DEVELOPMENT ASSISTANCE'', after the first dollar amount insert ''(increased by $15,000,000)''.

In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–OPERATING EXPENSES OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT'', after the first dollar amount insert ''(decreased by $2,100,000)''.

In title IV of the bill under the heading ''MULTILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–CONTRIBUTION TO THE MULTILATERAL INVESTMENT GUARANTEE AGENCY'', after the dollar amount insert ''(decreased by $4,900,000)''.

In title IV of the bill under the heading ''MULTILATERAL ECONOMIC ASSISTANCE–FUNDS APPROPRIATED TO THE PRESIDENT–CONTRIBUTION TO THE INTER-AMERICAN INVESTMENT CORPORATION'', after the dollar amount insert ''(decreased by $8,000,000)''.

H.R. 4811

OFFERED BY: MR. ROYCE

AMENDMENT NO. 19: Page 39, strike line 19 and all that follows through line 6 on page 40.

H.R. 4811

OFFERED BY: MR. SANDERS

AMENDMENT NO. 20: Page 8, line 10, after the dollar amount insert ''(increased by $2,500,000)''.

Page 33, line 6, after the first dollar amount insert ''(decreased by $2,500,000)''.

H.R. 4811

OFFERED BY: MR. SANDERS

AMENDMENT NO. 21: Page 8, line 22, after the dollar amount, insert the following: ''(increased by $2,500,000)''.

Page 33, line 6, after the first dollar amount, insert the following: ''(decreased by $2,500,000)''.

H.R. 4811

OFFERED BY: MR. TANCREDO

AMENDMENT NO. 22: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—LIMITATION PROVISIONS

SEC. ____. None of the funds appropriated in this Act may be be made available for the United Nations Man and the Biosphere Program or the United Nations World Heritage Fund.

H.R. 4811

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 23: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act shall be made available to the Palestine Authority.

H.R. 4811

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 24: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. No funds in this bill may be used in contravention of the Act of March 3, 1933 (41 U.S.C. 10a et seq.; popularly known as the ''Buy American Act'').

H.R. 4811

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 25: At the end of the bill, insert after the last section (preceding the short title) the following new title:

TITLE VII—ADDITIONAL GENERAL PROVISIONS

SEC. 701. None of the funds appropriated in this Act shall be made available to the Palestine Authority unless all contracts between the Palestine Authority and any entity incorporated in the United States completed prior to the date of the enactment of this Act have been completed to the satisfaction of the Palestine Authority and the United States entity.

H.R. 4811

OFFERED BY: MS. WATERS

AMENDMENT NO. 26: In title II of the bill under the heading ''BILATERAL ECONOMIC ASSISTANCE–DEPARTMENT OF THE TREASURY–DEBT RESTRUCTURING'', after the first dollar amount insert ''(increased by $740,600,000)''.

H.R. 4811

OFFERED BY: MS. WATERS

AMENDMENT NO. 27: Page 2, line 25, after the dollar amount insert ''(decreased by $82,500,000)''.

Page 3, line 25, after the dollar amount insert ''(decreased by $7,000,000)''.

Page 30, line 8, after the dollar amount insert ''(increased by $155,600,000)''.

Page 33, line 6, after the first dollar amount insert ''(decreased by $5,250,000)''.

Page 34, line 21, after the dollar amount insert ''(decreased by $200,000,000)''.

H.R. 4811

OFFERED BY: MS. WATERS

AMENDMENT NO. 28: Page 42, after line 23, insert the following new section:

WORLD BANK AIDS TRUST FUND

For the United States contribution by the Secretary of the Treasury to the trust fund established as a result of negotiations entered into pursuant to section 701, $200,000,000, to remain available until expended.

Page 132, after line 12, insert the following new title:

TITLE VII—WORLD BANK AIDS TRUST FUND

NEGOTIATIONS FOR THE CREATION OF A WORLD BANK AIDS TRUST FUND

TRUST FUND TO ASSIST IN HIV/AIDS PREVENTION, CARE AND TREATMENT, AND ERADICATION

SEC. 701. The Secretary of the Treasury shall seek to enter into negotiations with the International Bank for Reconstruction and Development or the International Development Association, and with the member nations of such institutions and with other interested parties for the creation of a trust fund which would be authorized to solicit and accept contributions from governments, the private sector, and nongovernmental entities of all kinds and use the contributions to address the HIV/AIDS epidemic in countries eligible to borrow from such institutions, as follows:

(1) PROGRAM OBJECTIVES.—The trust fund would provide only grants, including grants for technical assistance, to support measures to build local capacity in national and local government, civil society, and the private sector to lead and implement effective and affordable HIV/AIDS prevention, education, treatment and care services, and research and development activities, including affordable drugs. Among the activities the trust fund would provide grants for would be programs to promote best practices in prevention, including health education messages that emphasize risk avoidance; measures to ensure a safe blood supply; voluntary HIV/AIDS testing and counseling; measures to stop mother-to-child transmission of HIV/AIDS, including through diagnosis of pregnant women, access to cost-effective treatment and counseling and access to infant formula or other alternatives for infant feeding; and deterrence of gender-based violence and provision of post-exposure prophylaxis to victims of rape and sexual assault. In carrying out these objectives, the trust fund would coordinate its activities with governments, civil society, nongovernmental organizations, the Joint United Nations Program on HIV/AIDS (UNAIDS), the International Partnership Against AIDS in Africa, other international organizations, the private sector, and donor agencies working to combat the HIV/AIDS crisis.

(2) PRIORITY.—In providing such grants, the trust fund would give priority to countries that have the highest HIV/AIDS prevalence rate or are at risk of having a high HIV/AIDS prevalence rate, and that have or agree to carry out a national HIV/AIDS program which—

(A) has a government commitment at the highest level and multiple partnerships with civil society and the private sector;

(B) invests early in effective prevention efforts;

(C) requires cooperation and collaboration among many different groups and sectors, including those who are most affected by the epidemic, religious and community leaders, nongovernmental organizations, researchers and health professionals, and the private sector;

(D) is decentralized and uses participatory approaches to bring prevention care programs to national scale; and

(E) is characterized by community participation in government policymaking as well as design and implementation of the program, including implementation of such programs by people living with HIV/AIDS, nongovernmental organizations, civil society, and the private sector.

(3) GOVERNANCE.—

(A) IN GENERAL.—The trust fund would be administered as a trust fund of the International Bank for Reconstruction and Development. Subject to general policy guidance from the President of the United States and representatives of the other donors to the trust fund, the Trustee would be responsible for managing the day-to-day operations of the trust fund.

(B) SELECTION OF PROJECTS AND RECIPIENTS.—In consultation with the President and other donors to the trust fund, the Trustee would establish criteria, that have been agreed on by the donors, for the selection of projects to receive support from the trust fund, standards and criteria regarding qualifications of recipients of such support, as well as such rules and procedures as would be necessary for cost-effective management of the trust fund. The trust fund would not make grants for the purpose of project development associated with bilateral or multilateral development bank loans.

(C) TRANSPARENCY OF OPERATIONS.—The Trustee shall ensure full and prompt public disclosure of the proposed objectives, financial organization, and operations of the trust fund.

(D) ADVISORY BOARD.—

(i) APPOINTMENT.—The President of the United States and representatives of other participating donors to the trust fund would establish an Advisory Board, and appoint to the Advisory Board renowned and distinguished international leaders who have demonstrated integrity and knowledge of issues relating to development, health care (especially HIV/AIDS), and Africa.

(ii) DUTIES.—The Advisory Board would, in consultation with other international experts in related fields (including scientists, researchers, and doctors), advise and provide guidance for the trust fund on the development and implementation of the projects receiving support from the trust fund. Once the Advisory Board is established, the Secretary of the Treasury shall ensure that the

Trustee provides the Advisory Board complete access to all information and documents of the trust fund necessary to the effective functioning of the Advisory Board.

UNITED STATES FINANCIAL PARTICIPATION

LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS

SEC. 702. In addition to any other funds authorized to be appropriated for multilateral or bilateral programs related to AIDS or economic development, there are authorized to be appropriated to the Secretary of the Treasury $200,000,000 for each of fiscal years 2001 through 2005 for payment to the trust fund established as a result of negotiations entered into pursuant to section 701.

REPORTS

REPORTS TO THE CONGRESS

SEC. 703. (a) ANNUAL REPORTS.—Not later than 1 year after the date of the enactment of this Act, and annually thereafter for the duration of the trust fund established pursuant to section 701, the Secretary of the Treasury shall submit to the appropriate committees of the Congress a written report on the trust fund, the goals of the trust fund, the programs, projects, and activities, including any vaccination approaches, supported by the trust fund, and the effectiveness of such programs, projects, and activities in reducing the worldwide spread of AIDS.

(b) APPROPRIATE COMMITTEES DEFINED.—In subsection (a), the term ''appropriate committees'' means the Committees on Appropriations, on International Relations, and on Banking and Financial Services of the House of Representatives and the Committees on Appropriations, on Foreign Relations, and on Banking, Housing, and Urban Affairs of the Senate.

HIV/AIDS PREVENTION AND CARE

STRENGTHENING LOCAL CAPACITY IN SUB-SAHARAN AFRICA TO IMPLEMENT HIV/AIDS PREVENTION AND CARE PROGRAMS

SEC. 704. Title XVI of the International Financial Institutions Act (22 U.S.C. 262p–262p–7) is amended by adding at the end the following:

''SEC. 1625. STRENGTHENING LOCAL CAPACITY IN SUB-SAHARAN AFRICA TO IMPLEMENT HIV/AIDS PREVENTION AND CARE PROGRAMS.

''The Secretary of the Treasury shall instruct the United States Executive Director at the International Bank for Reconstruction and Development to use the voice and vote of the United States to encourage the Bank to work with sub-Saharan African countries to modify projects financed by the Bank and develop new projects to build local capacity to manage and implement programs for the prevention of human immunodeficiency virus (HIV) and acquired immune deficiency syndrome (AIDS) and the care of persons with HIV/AIDS, including through health care delivery mechanisms which facilitate the distribution of affordable drugs for persons infected with HIV.''.

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Senate

The Senate met at 9:31 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Gracious Father, we gladly respond to the admonitions of the psalmist: ''Commit your way to the Lord, trust also in Him and He shall bring it to pass, rest in the Lord and wait patiently for Him.''—Psalm 37:5. We prayerfully accept the vital verbs of this advice and apply them to our faith today: commit, trust, rest, wait. You have shown us that when we commit to You our lives and our challenges, You go into action to bring about Your best for our lives. Commitment opens the flood gates of our minds and hearts to the flow of Your power to help with people or problems that concern us. We trust in Your reliable interventions to free us from anxiety. When we rest in Your everlasting arms, we experience spiritual resilience and refurbishment. All Your blessings are worth waiting for because nothing else gives us the strength and courage we really need. Thank You for Your faithful reliability. You, dear God, are our Lord and Saviour. Amen.

—

PLEDGE OF ALLEGIANCE

The Honorable GEORGE V. VOINOVICH, a Senator from the State of Ohio, led the Pledge of Allegiance, as follows:

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

—

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. VOINOVICH). The majority leader is recognized.

SCHEDULE

Mr. LOTT. Mr. President, today the Senate will be in a period of morning business until 10:15. Following morning business, a cloture vote will occur on the motion to proceed to H.R. 8, the Death Tax Elimination Act.

VOTE

I ask unanimous consent that the vote occur at 10:15 this morning.

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

Mr. LOTT. If cloture is invoked, the Senate will continue postcloture debate on the motion to proceed. The Senate may also resume consideration of the Interior appropriations bill in an effort to make further progress on that important piece of legislation. It is the intention of the managers of the Interior appropriations bill to lock up a filing deadline for first-degree amendments during today's session.

Senators should expect votes each day this week. Also, we will have late nights to have debate on amendments on the Defense authorization bill with votes on amendments, if necessary, occurring the following morning. I have been assured by the managers of that legislation, Senator WARNER and Senator LEVIN, that we will be working tonight and we probably will have some votes the first thing in the morning on the bill.

I regret that we have to have a vote on the motion to proceed. A good faith effort has been made to work out an agreement on a limited number of amendments, but we have not been able to come to an agreement on that.

It is important that we get to the substance of this legislation—the elimination of the death tax. It is high time we take action on this unfortunate tax provision that has been on the tax rolls since Theodore Roosevelt was President. I know from personal experience that it is having a very devastating effect on small businesses, family farms, and homesteads. I have come across members of families in tears in my own State on finding they had to sell their small business or their farm that has been in the family sometimes for two or three generations because they had to pay this most unfair death tax.

Many commentators seem perplexed, trying to understand why this legislation would have received such overwhelming support in the House of Representatives with an almost unanimous vote among the Republicans and 65 Democrats, from all regions, backgrounds, races, sex, and everything else. They can't understand why it got this very outstanding vote.

The answer is really very simple. First of all, all of us would like to be able to have an estate of some value when we reach the end of our role. We would like to be able to pass it on to our children for the next generation. The idea that the Federal Government would come and reach into the grave and pull back 40, 45, 50, or 55 percent of a life's work offends the American people regardless of financial status. It is a basically and patently unfair tax provision.

I am pleased we are going to move forward this week to get a vote. Of course, we will have to have a vote on cloture so that there won't be an extended series of unrelated, nongermane amendments or filibusters. But I hope we will get that vote. Then we will get to final vote on the substance. It is long overdue.

I commend the chairman of the committee, Chairman ROTH, and the ranking member, Senator MOYNIHAN, for allowing this legislation to come to the floor today for a vote. Also, again I must express my admiration for the way the House handled this matter.

I understand there will be a period for morning business. Senators are here prepared to speak on the substance of the legislation.

I yield the floor.

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

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RESERVATION OF LEADER TIME

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

The Senator from South Carolina.

—

THE DEATH PENALTY

Mr. THURMOND. Mr. President, it is most unfortunate that the President has decided to delay the first federal execution in almost forty years.

Mr. Juan Garza was a vicious drug kingpin who was found guilty of three murders and sentenced to death in 1993. He was also convicted of various drug and money laundering offenses. Of course, there is no way to know how many American lives he destroyed indirectly through his extensive drug trafficking into this country. He is just the type of criminal that the Congress had in mind when we reestablished the federal death penalty in 1988.

His lawyers are not claiming he is innocent. Rather, they are making general arguments about the fairness of the death penalty, and the President is apparently sympathetic to this.

Over the weekend, the White House confirmed that the President will postpone the execution for at least 90 days and maybe until after the November elections. The reason for the administration has given is that the Justice Department is still drafting formal clemency guidelines. Mr. Garza was sentenced to death 7 years ago, and his case has been tied up in appeals ever since. The Supreme Court decided in November that it would not hear his case, and in May a judge scheduled his execution for August. The Department has had more than enough time to prepare such guidelines.

Of course, the President does not need any special death penalty guidelines to act. The President has the power to commute Mr. Garza's sentence or even pardon him if he wishes. The President should make his decision and not further delay an already extremely long process.

This is consistent with this administration's treatment of the death penalty overall. Only steadfast opponents to capital punishment can argue that it is used too often in the federal system today. Last year, my Judiciary subcommittee held a hearing that discussed the federal death penalty in some detail. After becoming Attorney General, Ms. Reno established an elaborate review process at Main Justice to consider whether a U.S. attorney may seek the death penalty. She has permitted prosecutors to seek the death penalty in less than one-third of the cases when it is available.

Also, her review permits defense attorneys to argue that she should reject the death penalty in a particular case, but it does not permit victims to argue for the death penalty. I hope the Department's new clemency rules will allow victims to participate in the process. However, victims should be allowed to encourage the Department to seek the death penalty in the first place.

The death penalty is an essential form of punishment for the most serious of crimes. Yet, it has not been carried out in the federal system for 37 years. We should not continue to delay its use. When an inmate's appeals are exhausted, as they are in this case, the President should carry out the law.

—

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business, not to extend beyond the hour of 10:15 a.m., with the time to be equally divided between the Senator from Delaware and the Senator from New York.

Who yields time?

Mr. REID. On behalf of the Senator from New York, I yield 10 minutes to the Senator from North Dakota.

—

ESTATE TAX REPEAL

Mr. DORGAN. Mr. President, I will comment briefly on the remarks made by the majority leader a few moments ago on the subject of the estate tax.

First of all, the question of repealing the estate tax or changing the estate tax is an important issue, but it is not an issue that is important to the exclusion of all other issues. The majority leader takes the position that the estate tax ought to be repealed completely so those in this country who die and leave $100 million in assets or $500 million in assets or $1 billion in assets, who now pay some estate tax, will be tax free. That is what ''repeal'' means.

I happen to believe we ought to change the estate tax to provide a significant exemption so that no small business and no family farm gets caught in the estate tax. I don't want people to try to leave the family farm or the small business to their children, only to discover there will be a crippling estate tax to pay. So I say, let's get rid of that situation. Let's provide an exemption—$8, $10 million—that takes care of the vast majority of cases.

But how about those folks who leave half a billion dollars or $1 billion? Do we really want to repeal the estate tax on that kind of estate? There are other and competing needs for the revenue involved. For example, we could pay down the Federal debt; we could provide a larger tax credit for college tuition; we could invest in elementary and secondary education; we could provide tax relief to middle-income families rather than to the wealthiest estates in the country.

I happen to believe we should change the estate tax, but I don't believe we ought to repeal the estate tax for the largest estates.

The majority leader says the problem is with the Democratic side of the Senate. No, the problem is that yesterday the majority leader came to the floor of the Senate and tried to pass the repeal of the estate tax by unanimous consent. No debate, no discussion, no amendments, $750 billion of tax cuts in the second decade after repeal—$750 billion in tax cuts by unanimous consent, without any debate, and without any amendments. That is what he tried to do yesterday. We objected to that.

Yesterday we proposed that he bring up this measure under a regular order. The majority leader objected to that. Democratic leaders proposed that the majority leader bring the bill up and allow 6, 8, or 10 amendments, with time agreements. But the majority leader has objected to that.

His position is: I want my way or no way. I want to bring it up and repeal all of the estate tax, which would mean generous tax cuts for the wealthiest estates in this country. If we don't do it his way, we were told, we won't have an opportunity to offer any amendments. That is the majority leader's position. The people elected to the Senate on this side of the aisle will not be able to offer amendments. He says in effect, ''We have an idea, we intend to push that idea, we demand a vote on that idea, and, by the way, you, Senators, don't have any right to offer amendments.''

That is the majority leader's position. That is not a position that is acceptable to me. It is not the way the Senate ought to work. There is something called a regular order.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. DURBIN. I thank the Senator for raising the point that they were going to pass a $750 billion tax break for the wealthiest people in America, those who pay estate taxes, and do it without one minute of committee hearings—I see the chairman of the Senate Finance Committee on the floor—not a minute of hearing. This was going to be done without any discussion, any debate, $750 billion in tax breaks.

I ask my colleague, the Senator from North Dakota, whether or not he believes it also says something about the priorities of the Congress, that of all the different people who could be helped by this Congress, the highest, the single most important priority for the Republicans turns out to be the wealthiest. When it comes to helping people pay for their prescription drugs, when it comes to helping people, dealing with areas such as difficulties with HMOs, folks don't even have a voice in this debate. They are not even being considered.

Would the Senator address the whole question of prioritization, as to whether or not we are making the right decision in terms of helping the people who really need it the most in this country?

Mr. DORGAN. The Senator from Illinois is correct.

Let me correct something I said a moment ago. The majority leader yesterday tried to bring up H–1B legislation, not the estate tax. I was mistaken about that. I should have known better. I was on the floor at that time, as a matter of fact.

But it is true that the majority leader wants to bring up the estate tax and say to half of the Members of the Senate: You don't have a right to offer amendments, and if you don't like it, tough luck. That is what the issue is about.

The Senator from Illinois asked the question, Shouldn't this proposed repeal be measured against other priorities, and shouldn't this suggest what is important in the Senate? It sure does. There is not the time or the energy or the inspiration on the part of those who control the agenda in the Senate to have a real debate about protecting people against HMOs, and to try to pass a Patients' Bill of Rights. No, there is not time for that. Can we work to put a prescription drug benefit in the Medicare program? No, not quite enough time for that either. In fact, the other side understands that is an important issue, so they have cobbled together a goofy proposal that says OK, the senior citizens are having trouble affording prescription drugs, so let's give a subsidy to the insurance companies. Even the insurance companies see through that. They have come to my office—and I assume to the Senator's office—and said: We will not be able to offer a prescription drug plan. We would have to charge $1,200 for a plan that has $1,000 in benefits.

The point the Senator from Illinois makes is we have other priorities. Those other priorities somehow don't get to the floor of the Senate because the big priority at the moment is to give an estate tax repeal to the largest estates in the country.

As I said, I think we ought to provide a significant exemption so that every family farm and every small business can be transferred to the kids upon the death of the parents, with no estate tax at all—none, zero. However, when a billionaire or someone with $500 million in assets dies and there is an estate, is it not unreasonable to have some transfer here, some estate tax, in order to use those resources for other purposes, such as reducing the Federal debt, providing middle income tax relief—a whole range of urgent needs? Is that not a reasonable thing? That is what we ought to measure this against.

Mr. DURBIN. Will the Senator yield?

Mr. DORGAN. I am happy to yield to the Senator.

Mr. DURBIN. If the Republicans have their way to totally repeal the estate tax for the wealthiest in America and take $750 billion out of the surplus for that purpose, doesn't that diminish the likelihood, doesn't that reduce the possibility, that we will have the resources to pass a meaningful prescription drug benefit for the elderly and disabled in America, one that helps all of them pay for the outrageous cost of prescription drugs?

Mr. DORGAN. I say to the Senator from Illinois, it is exactly as he states. With the wonderful economy we have had and the surpluses that are expected, there is a certain amount of revenue available. The priority, for the majority side, is to repeal the estate tax, including that top half of the estate tax that applies to the wealthiest estates in the country. If we follow this priority, that will crowd out the ability to do other things.

This is a question of making judgments about what is important, what is the priority of this Congress. Should we provide a prescription drug benefit for Medicare? Should this Congress make the investments in education that we should make? Should this Congress decide we should pay down the Federal debt? Should this Congress decide college tuition should trigger an increased tax credit that helps kids go to college? These are all priorities, and there are more of them that we ought to measure against this proposal to repeal the estate tax for the largest estates in the country.

As I said, it is a matter of priorities, and it is also a matter of will. What do we have time to do in the Senate? We are told by the majority leader that we do not have enough time to deal with Patients' Bill of Rights, prescription drugs for Medicare, the minimum wage, closing the gun show loophole. We do not have time for those things, we are told, but we have plenty of time for the things the majority wants to do. We have plenty of time to decide to repeal the estate tax completely, including repeal for the largest estates in the country. Do my colleagues know what that will do on average to an estate above $20 million? It will provide about a $12 million tax cut for the estate.

Mr. DURBIN. Will the Senator yield for another question?

Mr. DORGAN. Yes, I yield.

Mr. DURBIN. Is the Senator telling me we could give estate tax reform, virtually exempt all family farms, all small businesses—say your business is worth $8 million or less; you are not going to pay a tax on it; families with assets of $4 million would not pay an estate tax—and still then have the resources to provide for a prescription drug benefit if we refuse to go along with the Republican approach which gives this estate tax break to the very wealthiest in America, those in the multimillion-dollar, maybe even billion-dollar category?

Mr. DORGAN. I say to the Senator from Illinois, that is exactly the case. In fact, one of the proposals we offer as an amendment that is prevented by the majority leader would provide an $8 million exemption for a small business or small farm.

The PRESIDING OFFICER. The Senator's 10 minutes have expired.

Mr. ROTH. I yield 5 minutes to the distinguished assistant majority leader.

Mr. NICKLES. Mr. President, I remind my colleagues from Illinois and North Dakota, we have rules in the Senate, and that is to go through the Chair. The dialogs are interesting, but we are supposed to go through the Chair, and that has not happened in a while.

I want to correct some of the factual misstatements that were just made. My colleagues said we want to bring up the repeal of the death tax and offer no amendments. That is not correct. We have told our friends on the Democratic side that we will allow them to offer a substitute. They can have relevant amendments. We are willing to enter into time agreements to pass this bill. Frankly, what they want to do is unload an agenda they cannot pass.

My colleagues mentioned that we will not allow them a debate on the Patients' Bill of Rights. We already voted on it a couple of times. We voted on it last year, and we voted on it twice in the last month. The problem is they have a flawed proposal that will not pass and cannot pass.

We voted on the Patients' Bill of Rights. We voted on minimum wage. For them to say, instead of voting to repeal the death tax, which we are hopefully going to do, they have a lot of other things on which they would rather vote—we have given them votes on almost every issue that has been mentioned. On the death tax, we have said—and I will propound a unanimous consent request—we will have an amendment on each side; we will have three amendments on each side; we will consider their alternatives.

My colleague from Illinois said let's have an exemption, not change the rates; let's vote on this issue. We are willing to do that. The problem is our colleagues on the Democratic side really do not want a tax cut, period.

We are trying to eliminate the death tax so there will not be a tax on death. What there will be is a tax on the sale of the property when whomever inherits the property sells it. We will eliminate the taxable event on someone's death. This is a very significant and I believe one of the most positive things we can do if we want to help the economy, if we want fairness.

We are trying to help the small business people, the Democrats say; the Democrats are willing to do that. Hogwash. I used to run a small business. I did not want it to be small; I wanted it to be big. I do not know if it would meet the Democrats' definition. A lot of us really do believe we should eliminate the tax on someone's death and turn it into a taxable event when the property is sold. If individuals who receive this business or receive this property do not sell it, there will not be a taxable event. When they do sell it, there will be a tax, and that tax will be capital gains. That tax rate is 20 percent, not 39 percent, not 55 percent.

I want to correct a misstatement just made. We are willing to enter into time agreements. We are willing to consider

relative amendments, substitutes. If they want to have a substitute that has an exemption, fine; let's vote on it. If they want to vote on an alternative, let's do it. We are willing to do it. But to say we are not willing to consider amendments and that it is ''take our proposal that passed the House''——

Mr. DORGAN. Will the Senator yield?

Mr. NICKLES. In a moment I will.

The facts are, the cost over 10 years, which is the most we ever use, is $104 billion. I heard them say it is $750 billion. I do not know from where they are grabbing these figures. If we use that kind of analogy, it would be fun to see how much the tax increase of 1993 cost because if this tax cut is $750 billion over the next 20-some-odd years, I would hate to think how much the cost of the tax increase the Democrats passed in 1993 is.

The facts are, the estate tax repeal is $104 billion over the next 10 years. That is what passed the House. Hopefully, that is what the Senate will pass today, tomorrow, or in the near future.

Mr. DORGAN. Will the Senator from Oklahoma yield?

Mr. NICKLES. Not on my time. I will be happy to yield under the Senator's time. I only had 4 minutes.

Mr. DORGAN. Can I take 30 seconds?

Mr. REID. I yield Senator DORGAN 2 minutes.

Mr. DORGAN. I respectfully say that the Senator from Oklahoma is not accurate when he says that his side is willing to entertain amendments; I do not see a problem here; let's bring it on and have amendments and a discussion. That is exactly what the majority leader has denied. That is exactly what the majority leader said he will not allow to happen on the floor of the Senate.

If the Senator from Oklahoma is speaking for the majority leader on this issue, I say get the Democratic leader on the line, make an agreement, and let's have this issue on the floor where some amendments can be offered and votes taken, and we will see how people feel about the estate tax.

The Senator from Oklahoma is not accurate in leaving the impression that this has been a reasonable circumstance here and they are willing to entertain all kinds of amendments. That is not the case at all. In fact, our side has offered a reasonable number of amendments with time agreements, and the majority leader has said no, and that is the fact.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I said the majority leader, to my knowledge, is willing to enter into a time agreement and has given it to the minority leader. It said we will have relevant amendments. I have a list of amendments on prescription drugs, long-term health care, Medicare, retirement—in other words, a lot of things on the Democrats' agenda that have not been accomplished.

I said relevant amendments pertaining to the death tax and, unfortunately, our Democratic colleagues have not been willing to comply or agree. I had hoped we would have had a little less partisan exchange on a Tuesday morning. Let's go back to the Cloakroom and come up with two or three relevant amendments dealing with this issue and vote. That is the way we should work.

Mr. DORGAN. Do I have time remaining on the 2 minutes?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. DORGAN. I say to the Senator from Oklahoma, there is nothing partisan in my intent to correct the impression left by the Senator from Oklahoma. I was simply saying that proposals have been made on the specific number of amendments and time agreements by our side and the majority leader has rejected them.

The Senator from Oklahoma seemed to suggest they are willing to entertain this, that, and the other thing; they are very reasonable; they will accept amendments. I was simply trying to correct a misimpression. I did not intend to be partisan.

This is an important issue. There are differences in how we view the issue. I happen to think we should change the estate tax so no small business or family farm ever gets caught in its web. We can do that. An $8 million or $10 million exemption would mean that virtually no family farm or small business ever would get caught in the web of the estate tax. But I do not happen to believe we should totally exempt the largest estates in this country from the estate tax. That is the difference.

Let's debate that difference and have amendments on the choices and make judgments as a Senate. It is not my intent ever to be partisan about this issue, but I want the right information to be given, and the right information is that we offered limited amendments and limited time agreements, and they were rejected.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. I yield 2 minutes to the Senator from Arizona.

Mr. KYL. Mr. President, Senator NICKLES made the point that the amendments the minority have sought to bring up have nothing to do with repeal of the death tax. That is why the majority leader said he will enter into an agreement with them but let's make it relevant and germane to the issue before the Senate.

When the American people see us going through these charades, I wonder how they can have any confidence in a body that seems to be so partisan and intent on changing the subject.

We have one subject before us today: repeal of the death tax. It is the House bill that passed overwhelmingly. Why can't we simply consider this bill with relevant and germane amendments? Why do we have to get off into prescription drugs and the rest?

Our distinguished colleague from North Dakota has said there is an alternative with respect to the repeal of the death tax. I would like to take that on because it relies on a section of the code today that is absolutely unworkable. Two-thirds of the cases that have been brought with respect to this section of the code have been won by the IRS. It does not work. Try to qualify, if you are a small business or a farm, under the section that they are taking about; you are not going to get relief. It is a sham proposal.

You can raise the exemption all you want, but if the definition precludes you from qualifying, you have not gained a thing. I can't wait to debate the alternative that the members of the minority want to propose. I will agree, right now, to consider that as an amendment that we would vote on here. If we can agree to consider that, we can move right on to the consideration of the death tax repeal because the provision they are talking about is unworkable, it is unfair, and it will not provide an adequate alternative to the repeal of the death tax that is called for under H.R. 8, the House-passed bill.

I urge my colleagues to support the cloture motion so we can get on with the debate about how we can finally bring an end to this most unfair and pernicious section of the Tax Code.

I welcome a debate of any germane alternative that members of the minority would like to present because I think when you hold them up side by side, H.R. 8 will win.

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

Mr. ROTH. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise today in support of the motion to proceed to H.R. 8, the Death Tax Elimination Act of 2000, which overwhelmingly passed in the House by a vote of 279–136. I point out that it was a bipartisan vote. It included 65 Democrats. So this legislation that we are about to proceed to has significant bipartisan support.

This is an historic opportunity to repeal the onerous estate and gift taxes which currently have rates as high as 60 percent. In an age of surpluses where taxpayers are, indeed, paying too much, it is time to repeal the estate and gift taxes. Families who toil all their lives to build a business and diligently save and invest should not be penalized for their hard work when they die. Their assets were already taxed at least once—and it is unconscionable that their estates are taxed again at rates as high as 60 percent on the value of their assets at the time of their death.

This bill would address this problem.

I point out, we have held hearings on estate taxes in the Finance Committee as of the last Congress. It is the Finance Committee that is the committee of jurisdiction.

I also point out, this bill is substantially similar to the estate tax provisions in the tax bill that was vetoed by

the President last year. Some may ask why this House bill did not come through the Finance Committee. The reason is that the bill holds to the estate tax provisions the House and Senate agreed to last year. Since the Finance Committee has already debated and approved these provisions and we have negotiated these provisions with the House, I saw no need to delay the bill in the committee and perhaps kill the chance of repealing the tax.

Now, I would like to briefly go through the bill before us. I point out, there are really two time periods to which the bill applies. In the first period, generally from 2001 to 2009, estate tax relief is provided on several fronts. In the second period, beginning in 2010, the entire estate and gift tax regime is repealed.

During the first part, from 2001 to 2009, the estate and gift tax rates are reduced on both the high end and low end. On the low end, currently, there is a unified credit that applies to the first $675,000 of an estate. That amount is scheduled to rise to $1 million in 2006.

While current law provides some relief for the smallest estates, for modest estates, those above the credit amount, a high tax rate applies. For example, now a decedent's estate of $750,000 faces a tax rate of 37 percent on each dollar over the credit amount. Keep in mind that is where the rate starts. For larger estates, the rates can be as high as 60 percent.

For the lower end estates, the bill converts the unified credit to an exemption. What this means is that estates right above the unified credit amount will face tax rates starting at 18 percent rather than 37 percent. In other words, for modest size estates, this bill cuts the tax rate in half.

For the larger estates, some now facing marginal rates as high as 60 percent, the bill includes a phased in rate cut. The rates are reduced from the current regime, with its highest rate of 60 percent, down to a top rate of 40.5 percent for the highest end estates. Please keep in mind that the base of the tax is property, not income, and the rate is still above the highest income tax rate of 39.6 percent.

Prior to full repeal in 2010, the bill would also expand the estate tax rules for conservation easements to encourage conservation. In addition, the bill provides simplification measures for the generation skipping transfer tax.

In 2010, the whole estate and gift tax regime is repealed. At the same time, a carryover basis regime is put in place instead of the current law step up in basis. This means that all taxable estates—and I emphasize we are only talking about taxable estates—that now enjoy a step up in basis will be subject to a carryover basis. Carryover basis simply means that the beneficiary of the estate's property receives the same basis as the decedent. For example, if a decedent purchased a farm for $100,000, and the farm was worth $2 million at death, the tax basis in the hands of the heirs would be $100,000. The step in basis is retained for all transfers in an amount up to $1.3 million per estate. In addition, transfers to a surviving spouse receive an additional step up of $3 million.

As I have already pointed out, the House passed the bill on a bipartisan basis with 65 Democrats voting in favor of repeal of the estate and gift taxes. Now is the Senate's opportunity to pass this bill on a bipartisan basis and send it to the President. It is my understanding this will be the only chance this year that we will have to pass this bill and repeal estate and gift taxes. If we fail, the bill dies. If we come together and vote in favor of the house bill—estate tax repeal that the Congress passed last year—it will go directly to the President for his signature.

Our family-owned businesses and farms must not be denied this relief. This should not be a partisan issue.

Unfortunately, the White House has indicated its opposition to repeal of estate and gift taxes and has promised to veto this bill. With roughly $2 trillion of estimated non-social security surpluses over the next 10 years, I believe the approximately $105 billion cost of repealing estate and gift taxes to be well within reason—it is only about 5 percent of the projected budget surplus. Other than being a money grab—estate and gift taxes do not serve any legitimate purpose.

Taxpayers are taxed on their earnings during their lives at least once. Our Nation has been built on the notion that anyone who works hard has the opportunity to succeed and create wealth. The estate and gift taxes are a disincentive to succeed and should be eliminated.

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

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the distinguished chairman have as much time as he requires to finish his address, which I see is not much longer.

Mr. REID. Mr. President, I ask unanimous consent the vote scheduled for 10:15 be delayed until the Senator from Delaware and the Senator from New York have time to finish their statements. They are both managing this bill and should have an opportunity to speak.

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

Mr. ROTH. Mr. President, as I was saying, the estate and gift taxes are a disincentive to succeed and should be eliminated. I believe it is the right thing to do. I urge my colleagues to vote in favor of the motion to proceed to this bill to repeal the estate and gift taxes.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, as a New Yorker—and I am sure my esteemed chairman will understand—I rise in defense of Theodore Roosevelt's estate tax: One of the great achievements at the beginning of this century and of the last century—although we have members of the Finance Committee staff who still think we are in the last century, but we won't get into that matter. Today, we are here to decide if a century later we should repeal it.

Again, I don't want to press this on my colleague and friend, the Senator from Delaware, but this matter should be in the Finance Committee. My friend doesn't have to say a word. We are the Committee that considers tax matters. It should have been referred to us and not sent directly to the floor.

When we begin the debate and the voting begins, the Democrats will have an alternative. It is simple. I say forthwith and I will say no more, it is less costly than the measure we have received from the House. We would increase the general exemption from the present $675,000 to $1 million immediately—it was scheduled to rise to that level in the year 2006—and then to $2 million in the year 2009. We would increase the exemption for family-owned businesses and farms from $1.3 million to $2 million immediately and to $4 million by the year 2009. This increase would eliminate the estate tax on virtually all family farms and 75 percent of family-owned businesses that would otherwise be subject to the estate tax. This measure will cost $64 billion over 10 years, roughly half the cost of the Republican proposal.

Of course, the measure the House has sent us, as our Chairman has stated, in the year 2010 repeals all estate taxes, and thereafter the true cost would be approximately $50 billion each year indefinitely.

We think this is an extravagant proposal driven by the legitimate politics of the hour. I understand that. I understand the President will veto the measure. I look forward confidently to its being passed and vetoed and not forgotten. It will be raised in the campaign. That, too, is legitimate.

But I have to say, sir, having lived on a farm for 36 years in upstate New York, the dairy farming world of that State has not prospered for half a century. We have a considerable number of meadows, in one of which the press gathered just a year ago last week to have Mrs. Clinton announce her candidacy for the seat I have the honor to hold right now. There were hundreds of journalists there. It amazed the world to look at it.

Sir, I have to suggest that if we had an equal gathering of family farmers in New York State whose farms would sell for $2 million, the turnout would be desultory and the press would report disaster. Does anybody here know a family farmer whose farm is worth $2 million a year? I don't mean farms in the eastern end of Long Island where viniculture takes place.

Mr. ROTH. I do.

Mr. MOYNIHAN. My dear and esteemed chairman says he knows a family farmer whose farm is worth more than $2 million.

Mr. ROTH. In Delaware.

Mr. MOYNIHAN. Therein, sir, lies the difference between the Democratic and Republican parties. I know of no such farmer; my friend from Delaware does. What more can I say? How pleased I am for him; how regretful I am for the toil-driven, poverty-stricken farmers of upstate New York.

With that, sir, the vote being announced 4 minutes late, I yield the floor and suggest we proceed under the order.

—

DEATH TAX ELIMINATION ACT—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 608, H.R. 8, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period:

Trent Lott, Bill Roth, Charles Grassley, Larry E. Craig, Chuck Hagel, Jeff Sessions, Pete Domenici, Strom Thurmond, Jon Kyl, Thad Cochran, Jim Bunning, Craig Thomas, Kay Bailey Hutchison, Susan M. Collins, Don Nickles, and Wayne Allard.

The PRESIDING OFFICER. By unanimous consent, the quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 8, a bill to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

The assistant legislative clerk called the roll.

The yeas and nays resulted—yeas 99, nays 1, as follows:

[Rollcall Vote No. 173 Leg.]

YEAS—99

Abraham	Craig	Hutchinson
Akaka	Crapo	Hutchison
Allard	Daschle	Inhofe
Ashcroft	DeWine	Inouye
Baucus	Dodd	Jeffords
Bayh	Domenici	Johnson
Bennett	Dorgan	Kennedy
Biden	Durbin	Kerrey
Bingaman	Edwards	Kerry
Bond	Enzi	Kohl
Boxer	Feingold	Kyl
Breaux	Feinstein	Landrieu
Brownback	Fitzgerald	Lautenberg
Bryan	Frist	Leahy
Bunning	Gorton	Levin
Burns	Graham	Lieberman
Byrd	Gramm	Lincoln
Campbell	Grams	Lott
Chafee, L.	Grassley	Lugar
Cleland	Gregg	Mack
Cochran	Hagel	McCain
Collins	Harkin	McConnell
Conrad	Hatch	Mikulski
Coverdell	Helms	Moynihan
Murkowski	Santorum	Stevens
Murray	Sarbanes	Thomas
Nickles	Schumer	Thompson
Reed	Sessions	Thurmond
Reid	Shelby	Torricelli
Robb	Smith (NH)	Voinovich
Roberts	Smith (OR)	Warner
Rockefeller	Snowe	Wellstone
Roth	Specter	Wyden

NAYS—1

Hollings

The PRESIDING OFFICER. On this vote, the yeas are 99, the nays are 1. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

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

The PRESIDING OFFICER (Mr. ENZI). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

The Senator from Montana.

UNANIMOUS-CONSENT REQUESTS

Mr. BAUCUS. Mr. President, I ask unanimous consent that upon disposition of the Interior appropriations bill, the Senate proceed to the consideration of the China PNTR legislation and that the first amendment in order to the bill be Senator THOMPSON's China sanctions amendment.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, obviously, the PNTR bill is an extremely important bill. This body understands that. Certainly those of us on this side of the aisle who have been the force for expanding trade in this world, who have been basically the majority vote of things the President has wished to do—for example, on the African free trade agreement and on NAFTA, two areas where it was really our side of the aisle that carried the ball for the administration, as they tried to open our trade opportunities across the world—are strongly supportive of the concept of PNTR.

But there is still a fair amount of work that has to be done before we can bring it to the floor. Specifically, as was alluded to, there is the Thompson amendment, which would be nice to be able to deal with independent of PNTR. There are also other issues which we are going to have to address before the PNTR is ripe for consideration.

So at this point I would have to object, although it is clearly the intention of our side of the aisle to bring up the PNTR issue and to hopefully pass it, as we did with NAFTA and as we did with the African free trade agreement. So I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAUCUS. Mr. President, I hope the majority side will not object. PNTR transcends all other issues that are before the Senate. It is an international issue. It is a public policy, a foreign policy issue, one which clearly falls in the category of politics stopping at the water's edge.

This measure is monumental in its implications. It must pass. The sooner it passes, the better. Delay is danger. We all know that our relations with China are extremely important but also tenuous. The more this issue is delayed, the more likely it is that some untoward, unanticipated, unexpected event might occur which would deteriorate relations between our two countries and make it more difficult to pass a very needed piece of legislation.

I understand the majority's concern about scheduling, about appropriations bills, about other matters. But I strongly urge the majority party and the leader of the majority party, who correctly sets the schedule, to put politics beyond this, to put policy, public interest, and national security above all the other concerns that are legitimate here in the Senate because once PNTR is set for a vote this month, I predict that the logjam will break. It will be easier then to take up other measures.

I very strongly urge the Senator from New Hampshire to pass the word on to the majority leader, and others, of the importance of bringing this bill up in July—this month, a date certain—so we can begin to establish a relatively comprehensive and solid relationship with the country that is going to be probably one of the most important countries that this country is going to be dealing with in this next century. It is absolutely critical.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I commend the distinguished senior Senator from Montana for making the point again, with his unanimous consent request this morning, that we are simply asking for a date certain.

I am concerned that this issue, as was discussed and reported yesterday, could slip into September. If it slips into September, it might not be considered at all. In September there will be little opportunity to confront what we know is going to be a difficult challenge for us in terms of procedural factors in the consideration of this legislation.

So I have a very deep concern about this legislation slipping. This needs to be done this month. It ought to be done this week. We are going to continue to press for its consideration. I applaud the Senator from Montana in his willingness to do it.

There is an array of legislation that has been left undone. We will call attention to those issues as often as we can to encourage and to welcome the involvement and participation on the other side.

Another issue is the H–1B bill. It has been languishing now for a long period of time. I have expressed a willingness to cut down the amendments that we

know are pending on the H–1B bill from the scores, maybe even over 100 amendments that could be offered to 10 amendments with time limits—with time limits. We would be willing to consider the H–1B bill with a time limit on each amendment, taking it up as soon as possible, in an effort to get that legislation passed as well. For whatever reason, the majority has continued to refuse to allow us consideration of the H–1B legislation as well.

The Patients' Bill of Rights, the prescription drug bill, the minimum wage bill, education amendments, the juvenile justice legislation—there is a legislative landfill, that gets larger and larger, in large measure because of the reluctance and outright opposition on the part of some of our colleagues on the other side to deal with these issues in a constructive manner in order that we may complete them yet this year.

Mr. DASCHLE. So, Mr. President, I again ask unanimous consent that upon the disposition of the Interior appropriations bill, the Senate proceed to the consideration of S. 2045, the H–1B visa bill, that it be considered under the following time agreement: One managers' amendment; that there be 10 relevant amendments per each leader in order to the bill; that relevant amendments shall include those related to H–1B, technology-related job training, education and access, and/or immigration; that debate on those amendments shall be limited to 30 minutes, equally divided in the usual form, and that relevant second-degree amendments be in order; that upon the disposition of the amendments, the bill be read a third time and the Senate vote on final passage.

The unanimous consent request would allow us to complete the H–1B bill in one day—one day. So I am hoping our colleagues will agree to this. I ask that unanimous consent at this time.

The PRESIDING OFFICER. Is there objection?

Mr. GREGG. Mr. President, reserving the right to object, the H–1B bill happens to be a priority of this side of the aisle. I would be happy to move to this if we could move to the H–1B bill. Unfortunately, the Democratic leader isn't proposing that we move to the H–1B bill. What the Democratic leader is proposing is that we move to an extraneous agenda attached to the H–1B bill, that we bring to this bill debate on all sorts of issues which have no relevance to H–1B. In fact, we have offered, on this side of the aisle, to bring up the H–1B bill with relevant amendments. That has not been accepted by the other side of the aisle.

We are continuing to be agreeable to bringing up the H–1B bill with relevant amendments. There is no question but that we should pass the H–1B bill. I do sense a touch of crocodile tears coming from the other side of the aisle because, as a practical matter, almost all the bills that are listed as being held up, such as the education bill—the PNTR is a little different class, but the H–1B bill, for sure—are being held up not because of the underlying bill, not because the underlying issue is in contest as to whether or not we should take it up—we are perfectly willing to take up those issues on this side of the aisle and have propounded a series of unanimous consent requests to accomplish exactly that—but it is because there is a whole set of other agenda items, which the Democratic leader has a right to and desires to bring up, but he cannot bring them up on those bills and then claim he is bringing up those bills, because he is not bringing up those bills; what he is bringing up is those bills plus an agenda as long as my arm of political issues that they wish to posture on for the next election.

If he wishes to bring up the H–1B bill with three relevant amendments, or even five relevant amendments, on each side, we would be happy to accept that type of approach.

I have to object to the present proposal, but I would be happy to propound a unanimous consent which limits discussion to relevant amendments, if the Democratic leader is willing to pursue a course of bringing up H–1B with relevant amendments. On the proposal as laid out by the Democratic leader, I object.

The PRESIDING OFFICER. Objection is heard.

The Democratic leader has the floor.

Mr. DASCHLE. Mr. President, to respond, I don't know what would be nonrelevant about technology-related job training. Is that relevant to H–1B? Of course, it is. I don't know what would be nonrelevant about technology-related education amendments. What could be nonrelevant about a technology-related education and access amendments? What is nonrelevant about immigration amendments? We are talking about the possibility of allowing 200,000 new immigrants to enter our country to work. We want to offer amendments we feel are relevant to H–1B, and we are not allowed.

Senators want to be Senators. In the Senate, we offer amendments to bills. We want to get this legislation passed as well. In the true tradition of the Senate, we ought to be able to offer amendments, relevant amendments.

Mr. GREGG. Mr. President, if the Senator will yield for a question, that is our position.

Mr. DASCHLE. I am happy to yield to the Senator from New Hampshire for a question.

Mr. GREGG. If the Senator's position is he is willing to allow relevant amendments, then we can develop a unanimous consent request which says ''relevant amendments.'' Is that the Senator's position? The Senator just used the world ''relevant'' three times to describe the amendments he would propound. Therefore, it should not be a problem for the Senator to offer relevant amendments.

Mr. DASCHLE. Does the Senator from New Hampshire not think these issues are relevant?

Mr. GREGG. Mr. President, I always allow the Parliamentarian to determine relevancy, as the Democratic leader has always allowed the Parliamentarian to determine relevancy. That is why, when we use the term ''relevant,'' if we both agree on the term ''relevant,'' let's put it in the unanimous consent request and move forward.

Mr. DASCHLE. I am more than happy to deal with relevant amendments. Of course, as the Senator from New Hampshire knows, according to the strict definition of the word ''relevance,'' our amendments would have to be related specifically to H–1B. He is unwilling to talk about relevant amendments as we understand it in the English language. Under the common understanding of the English language, ''relevance'' would allow the consideration of an immigration-related amendment during the H–1B debate because the H–1B bill is an immigration bill. It would allow technology-related education amendments to be considered relevant to the H–1B bill in this context. Certainly, technology-related job training amendments would be ''relevant'' under our common understanding of that term, but you can hide behind those specific defenses if you like. Again, I am happy to yield.

Mr. GREGG. Is it the position of the Senator that the Senate does not function under the English language?

Mr. DASCHLE. It is the position of this Senator that the term ''relevant'' fits the amendments that we have attempted to offer. Of course, the reason why our colleagues don't want to deal with these issues is not because they are not relevant. It is because they don't want to vote on immigration issues. They don't want to vote on education. They don't want to vote on technology-related job training. They have a take-it-or-leave-it approach to consideration of important legislation such as this.

We can go back to the time when they were in the minority. Relevance was never a question then for them. Then relevance was something they considered and accorded the right of every Senator, just as we are now advocating. We are talking about relevance. We are talking about the importance of relevant amendments.

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

Mr. DASCHLE. I am happy to yield to the Senator from Massachusetts.

Mr. KENNEDY. In response to the Senator, one of the amendments is to try to make sure that in the future there is going to be adequate training so we are not going to have to offer these jobs necessarily to immigrants, but they would be available to Americans who do not have those skills. To make an argument on the floor of the Senate that we are going to deny American workers the kind of training

to get these high-paying jobs and participate in the expanding economy is just preposterous. That evidently is what the Senator from New Hampshire is doing. That is one of the key amendments that has been objected to by the Republicans.

This is what we are trying to do, to have training programs that are basically structured or organized, or education in the computer sciences through the National Science Foundation, through existing training programs so that we are not duplicating other training programs. It has been objected to.

I commend our leader. These are common sense amendments to an issue which can mean a great deal in an expanding economy and can make a great difference to American workers.

I cannot understand—I do understand because I think the Senator has been correct—why our Republican friends are constantly objecting to common sense measures which are absolutely relevant and absolutely essential in terms of the H–1B issue.

Mr. DASCHLE. The Senator from Massachusetts is absolutely right. He said it so eloquently. This is a relevance issue. Whether or not we continue to allow immigrants who come in to meet certain skill demands in this country is directly relevant to whether or not we are going to have an educated workforce. It is directly relevant to whether or not we are going to put the resources forward to train American workers in order to ensure that we might someday fill these jobs with workers from this country. If that is not relevant, I really don't know what is.

I yield to the Senator from North Dakota.

Mr. DORGAN. Mr. President, I appreciate the Senator from South Dakota yielding. Since the Senator from New Hampshire wants to discuss the meaning of the term ''relevant,'' as the Senator from New Hampshire knows, the rules of the Senate have words that are used and interpreted in very narrow and unique ways. The term ''relevant'' has a very narrow meaning here in the Senate by which we make a judgment about which amendments might be in order. But the term ''relevant'' is not related to common sense, in the Senate at least.

Let me give an example. On the issue we were talking about this morning, the estate tax repeal proposed by our friends on the other side of the aisle, the Forbes 400 wealthiest Americans would benefit to the tune of $250 billion in 10 years. Now, if one says, as they propose, let's give a $250 billion tax exemption to the 400 wealthiest Americans as identified in Forbes magazine, and if we say, we have another idea for that tax repeal—instead of giving that tax relief to the 400 wealthiest Americans, let us instead give it to middle-income families with an enlarged tax credit for tuition so they can send their kids to college; or let us widen the 15-percent bracket to enable more families to take advantage of that low rate; or let us enact a prescription drug benefit for people who need prescription drug coverage—in short, if we propose a different way to use that revenue that in our view would be more effective and more important, we are told that is not relevant. You can't offer that, we hear. That is not relevant.

Of course it is relevant. My colleague just talked about common sense. Someone once described common sense as genius dressed in work clothes. There is no common sense on the issue of relevancy with respect to the Senate rules. Yet that is exactly the shield behind which they want to hide on these issues.

We have a right to offer amendments. We have a right to offer amendments that relate to the subject at hand. The proposal by the majority side is to prevent us from that opportunity. Our reaction to that is, ''Nonsense.'' We have a right to do that. We have an absolute right to do that, as Members of the Senate.

Mr. DASCHLE. Mr. President, reclaiming the floor, let me end by saying again, I am disappointed.

I note the Senator from New Hampshire offered a sense-of-the-Senate resolution relating to Social Security on the Commerce-State-Justice bill in the last Congress. There was no concern then about whether it was relevant or not. Our distinguished majority leader offered an amendment relating to prayer in schools and at memorial services on the juvenile justice bill last year. Again, there was no concern about relevance. Senator HELMS offered an amendment that some of us may recall having to do with a patent for the Daughters of the Confederacy on the community service bill. He also offered a Lithuanian independence resolution on the Clean Air Act. Senator NICKLES offered an amendment to require a supermajority for tax increases on the unemployment insurance extension. Senator ROTH has offered tax cuts on appropriations bills.

There is a lot of interesting history having to do with relevance and amendments that may or may not pertain directly to the bill under Senate consideration. That is all we are asking.

What is even more noteworthy is the fact that we are willing to limit ourselves to 10 amendments with time limits. You can't do much better than that. What is good for the goose is good for the gander. If we could accommodate our distinguished colleagues in the past when they have offered amendments, certainly they should accommodate us. That is why the relevancy issue is so important here.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. GREGG. Mr. President, the issue being debated and brought forward by the minority leader was that he wanted to take up and discuss H–1B. The presentation was for the purpose, at least formally it appeared, of taking up the H–1B issue. We are willing to take up the H–1B issue. And we are willing to do it with relevant amendments. Now, the other side says that is not the English language and it is not common sense to use the term ''relevant.'' That term has been used for the past 200 years in this body, and I think it is reasonable to continue to use it.

On a number of occasions, we have presented unanimous consent requests asking that we be allowed to take up the H–1B legislation with relevant amendments. In fact, the Democratic leader said specifically that the amendments he was talking about would be relevant. He used the term ''relevant.'' I understand that was more in the context of not necessarily the Senate, but in any event he used the term ''relevant.''

Right now, I am going to propound a unanimous consent request. I ask unanimous consent that it be in order for the majority leader, after consultation with the Democratic leader, to proceed to Calendar No. 490, S. 2045, the H–1B legislation, and it be considered under the following limitations:

Three relevant amendments per each leader in order to the bill; No other amendments in order other than second-degree amendments which are relevant to the first-degree amendments.

I further ask unanimous consent that following the disposition of the above amendments, the bill be read the third time and the Senate proceed to a vote on passage, with no intervening action or debate.

The purpose of this unanimous consent request is to bring up the H–1B visa issue, which I believe should be brought to the floor with relevant amendments.

Mr. REID. Mr. President, reserving the right to object, we have certainly made clear that in 1 day we would totally complete the debate on this legislation. Under the unanimous consent agreement we have offered, in 1 day we would be completed with H–1B. In fact, in the time we have spent procedurally trying to get this done, we would have already finished two amendments.

I think we would be much better off treating the Senate as the Senate. My friend from New Hampshire said for 200 years there has been a meaning of ''relevance'' in the Senate. Of course, that is true. It has changed under different precedents that have been set, but we think the one thing that has not changed—but they are trying very hard to change it—is how debate proceeds in the Senate. We are willing to even change how we feel we should proceed. We believe H–1B should be brought up and that debate should be completed on it. We would be through with that probably in 2 days. We are willing to cut that back to 1 day. I respectfully say that I object and I offer again, without restating it, the unanimous consent request.

The PRESIDING OFFICER. Objection is heard. The Senator from New Hampshire has the floor.

Mr. REID. Mr. President, I suggest to my friend from New Hampshire that he strongly consider the agreement we have offered—that H–1B be brought up and debate be completed in 1 day. That is what we should do. It would be better for the Senate and for the country.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, what is the regular order?

The PRESIDING OFFICER. Debate on the motion to proceed on the bill under cloture, with 30 hours of debate for consideration.

Mr. REID. Mr. President, I ask my friend this, without his losing the floor. There are a number of Senators here to speak postcloture and debate the motion to proceed. Perhaps, we can agree on some order that people could speak. On your side, you have seven Senators and we have about the same number. Each person is entitled to 1 hour. People on our side would be willing—with the exception of one Senator—to take 30 minutes. I wonder if it is agreeable.

Mr. ROTH. Thirty minutes a person?

Mr. REID. Yes, instead of the 1 hour to which they are entitled. I wonder if you would agree to alternate back and forth—the majority and minority.

Mr. ROTH. I think we can agree to alternate back and forth; but as to who, at this time, we are not certain in what order. I will go ahead, and why don't we have some informal discussions to see how we proceed after that?

Mr. REID. That is appropriate. In the meantime, our people will speak.

Mr. ROTH. Mr. President, I rise today in support of the majority leader's motion to proceed to H.R. 8, the Death Tax Elimination Act of 2000, which overwhelmingly passed in the House by a vote of 279–136. As I pointed out before, that vote of 279 included 65 Democrats. So it was, indeed, a bipartisan vote in support of this legislation.

Before going into the details of the legislation, I'd like to talk about the rationale for this bill and the debate around it.

Some ask why are we concerned about the death tax. Only 2 percent of estates pay the tax. Many of those taxpayers have the resources to minimize the tax. Even if they have to pay the tax at rates approaching 60 percent, the balance of the estate is available for the beneficiaries. The other 98 percent of estates need not worry about it. Those in this position also argue that the revenue raised by the estate tax is better spent on Federal programs than kept by the children.

I guess it all depends on your perspective. The opponents of death tax repeal look at an estate as a thing, such as money or property, detached from the person that created it. From their view, it is a valuable resource for an ever-expanding Federal Government.

There is another view. If you look behind the statistics and revenue figures, you will see an estate as something that represents a lifetime of actions by the individuals and families. Every day a person makes decisions to sacrifice, work harder, and save. And every day these hardworking families are taxed on what they earn. Over a lifetime, this daily dedication adds up. It is natural that the families who created the wealth, by a lifetime of working hard and paying taxes, would want the benefit of their work to go to their families. That is, to stay within the family rather than be broken up and sent to Washington.

I take this latter view. Coming from a small state, like Delaware, I meet a lot of small business people and farmers. Everybody knows how hard these folks work, and if they are successful, they are in the position to pass along a family business or farm to their families. The death tax is a serious obstacle to these family farmers and small business people. Not only is a major portion of their hard work taken by the Federal Government, and spent here in Washington, DC, but the need for cash to pay the tax often ends up causing a sale of the farm or small business.

It is this fundamental unfairness, with particular grief inflicted on family farms and small business at the worst possible time, that, I believe, has resulted in bipartisan support for repealing the death tax. Nine Senate Democrats and 65 House Democrats, better than 20% of the Democratic caucuses of each body, support repeal of the death tax.

You're going to hear that family farmers and small businesses are already protected from the current death tax. Thanks to the Taxpayer Relief Act of 1997, we, on this side of the aisle, won a hard fought concession for estate and gift tax relief. Under that legislation, a family farm or small business couple can shield up to $2.6 million, on a phased in basis, from the death tax. Since that legislation became law, however, I have heard that the provision is technically and practically difficult for family farmers and small businesses to use. It seems that the better and simpler approach is to rid our family farmers and small businesses of the burden of this tax.

I'd like to turn to the bill before us.

The bill is substantially similar to the estate tax provisions in the tax bill that was vetoed by the President last year. Some may ask why this House bill did not come through the Finance Committee. The reason is that the bill holds to the estate tax provisions the House and Senate agreed to last year. Since the Finance Committee has already debated and approved these provisions and we have negotiated these provisions with the House, I saw no need to process the bill in the committee.

There are really two time periods to which the bill applies. In the first period, generally from 2001 to 2009, estate tax relief is provided on several fronts. In the second period, beginning in 2010, the whole estate and gift tax regime is repealed.

During the first part, from 2001 to 2010, the estate and gift tax rates are reduced on both the high end and low end. On the low end, currently, there is a unified credit that applies to the first $675,000 of an estate. That amount is scheduled to rise to $1 million in 2006.

While current law provides some relief for the smallest estates, for modest estates, those above the credit amount, a high tax rate applies. For example, now a decedent's estate of $750,000 faces a tax rate of 37 percent on each dollar over the credit amount. Keep in mind that's where the rate starts. For larger estates, the rates can be as high as 60 percent.

For the lower-end estates, the bill converts the unified credit to an exemption. What this means is that estates right above the unified credit amount, will face tax rates starting at 18 percent rather than 37 percent. In other words for modest size estates, this bill cuts the tax rate in half.

For the larger estates, some now facing marginal rates as high as 60 percent, the bill includes a phased in rate cut. The rates are reduced from the current regime, with its highest rate of 60 percent, down to a top rate of 40.5 percent for the highest end estates. Keep in mind that the base of the tax is property, not income, and the rate is still above the highest income tax rate of 39.6 percent.

Prior to full repeal in 2010, the bill would also expand the estate tax rules for conservation easements to encourage conservation. In addition, the bill provides some simplification measures for the generation skipping transfer tax.

In 2010, the whole estate and gift tax regime is repealed. At the same time, a carryover basis regime is put in place instead of the current law step up in basis. This means that all taxable estates—again, I want to emphasize the words ''taxable estates''—that now enjoy a step up in basis will be subject to carryover basis. Carryover basis simply means that the beneficiary of the estate's property receives the same basis as the decedent. For example, if a decedent purchased a farm for $100,000 and the farm was worth $2,000,000 at death, the tax basis in the hands of the heirs would be $100,000. The step in basis is retained for all estates in an amount of up to $1.3 million per estate. In addition, transfers to a surviving spouse would receive an additional step up in the amount of $3 million.

The House passed the bill on a bipartisan basis with 65 Democrats voting in favor of repeal of the estate and gift taxes. Now is the Senate's opportunity to pass this bill on a bipartisan basis and send it to the President. It is my understanding this will be the only chance this year that we will have to pass this bill and repeal estate and gift taxes. If we fail, the bill dies. If we

come together and vote in favor of the House bill—estate tax repeal that the Congress passed last year—it will go directly to the President for his signature.

Our family owned businesses and farms must not be denied this relief. This should not be a partisan issue.

Unfortunately, the White House has indicated its opposition to repeal of estate and gift taxes and has promised to veto this bill. With roughly $2 trillion of estimated non-Social Security surpluses over the next 10 years, I believe the approximately $105 billion cost of repealing estate and gift taxes to be well within reason—it is only about 5 percent of the projected budget surplus.

Other than being a money grab—estate and gift taxes do not serve any legitimate purpose. They certainly don't keep people from dying.

Taxpayers are taxed on their earnings during their lives at least once. Our nation has been built on the notion that anyone who works hard has the opportunity to succeed and create wealth. The estate and gift taxes are a disincentive to succeed and should be eliminated. It is the right thing to do, and it is the right thing to do now.

It has been said that there are only two certainties: death and taxes. The two are bad enough, but leave it to the Federal Government to find a way to make them worse by adding them together. This is probably the worst example of adding insult to injury ever devised. Yet Washington perpetuates over and over again on hard working families who have already paid taxes every day they have worked.

I urge my colleagues to support the motion to proceed to this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, I listened with interest to the discussion by the Senator from Delaware. This is an issue brought to the floor of the Senate by those folks who believe that the estate tax ought to be repealed over the next 10 years—that it ought to be phased in and repealed completely. They call it a death tax.

There are some things we agree with and other things on which we don't agree. Let me discuss an area of agreement. I think most Members of Congress believe the estate tax ought to be reformed in a manner that prevents a small business or family farm that is being passed from the parents to the children from having some sort of crippling estate tax apply to that transfer. I think almost all Members agree that should not happen. We want to encourage the transfer of a family farm and a small business to the children. We want to encourage parents giving their family farm or small business to their children to operate and keep that small business open. To do that, we ought to provide a specific exemption for family farms and small businesses. We provide such an exemption now in current law, but it is not high enough. We ought to make it high enough so no family farm or small business gets caught in this web.

I propose $10 million. In fact, I cosponsored a piece of legislation authored by the Senator from Oklahoma a couple of years ago that had a $10 million ceiling in it with respect to the estate tax applied to a family farm or small business. We can increase the exemption so as to make sure no one has to worry about the interruption of the operation of a farm or small business. That is not rocket science. We can do that.

That is not the issue here. We want to offer an amendment to do that. If we ever get the estate tax repeal bill on the floor, we will offer an amendment that would say, ''Let's not repeal it; let's instead provide a substantial increase in the exemption so family farms and small businesses are not hit with an estate tax.'' So that question is off the table.

The question now is, will some sort of estate tax remain? In the newspaper this morning there is a story about a fellow worth about $900 million, a big investor-type from New York. I will not use his name. He is using his personal money to spend $20 million on television advertising between now and the November election on the issue of education, particularly the issue of vouchers with respect to education.

It is his right to do that. Here is a person who amassed a fortune of $900 million, according to the newspaper, a terrific amount of money. He is just short of a billionaire. If that person at some point should die—and of course, everyone does—and that person's son or daughter gets an inheritance of $500 million because of the estate tax, who will stand on the floor and say shame on Congress for taking away part of that estate through an estate tax.

The question is, Are there some in this country at the upper scale of income and wealth whom we should expect to be able to pay an estate tax? They have lived in this wonderful country, enjoyed the bounty of being an American, been able to become a millionaire, a billionaire. The wealthiest 400 people, according to Forbes magazine, would get a $250 billion tax windfall in estate tax reductions under the proposal for complete repeal. There were 309 billionaires in the United States in 1999. More than one half of the billionaires in the world live in the United States. That is not a bad thing. That is a good thing. That is wonderful. What a great economy. What a great place to live and work and invest.

However, we have in this country a tax on estates. The majority has proposed eliminating the tax altogether, repealing it completely. According to the Treasury Department, when fully phased in, in the second 10 years, this would reduce federal revenues by $750 billion. We on the other hand have proposed to make changes in the estate tax to provide a sufficient exemption so that no family farm or small business is caught in the web of estate taxes. But we also believe that we ought to retain the revenue from some of the largest estates currently taxed in order to evaluate other possible uses for that revenue.

Incidentally, the motion to proceed to this is a debate about proceeding to this or something else. Is total repeal of the estate tax the only thing that represents a priority in Congress? How else might we use this money, $250 billion, that under the present proposal would go to the wealthiest 400 people in our country? How else might we use that $250 billion? What about giving it to working families in the form of a tax break, an increased tax credit for college tuition to help parents send their kids to school?

That seems reasonable to me. Or what about the possibility of using part of it to help pay down the Federal debt? During tough times, if we have run the Federal debt up to $5.7 trillion, how about during good times paying it down again? Perhaps we could use part of this revenue to pay down the debt. Or what about the proposition to use part of this revenue to provide a prescription drug benefit for those who are on Medicare? Those Americans who reach their senior years and have the lowest incomes of their lives are now discovering that the miracle drugs they need to extend and improve their lives are not available to them all too often because they cannot afford them. The drugs are priced out of reach.

Senior citizens have told me in hearings that when they go to the grocery store they go to the back of the store first because that is where they sell the prescription drugs. That is where the pharmacy is. They must go to the back of the grocery store to buy their prescription drugs to deal with their diabetes and their heart trouble and arthritis because only then will they know, after they have paid for the prescription drugs they need, only then will they know how much money they have to buy food. Only then will they know how much money they have left to eat.

What about using some of that estate tax revenue to provide a prescription drug benefit for the Medicare program rather than $250 billion for the richest 400 Americans?

The majority party has said: We intend to demand the repeal of the estate tax by bringing a bill to the floor, and we don't want to mess around with your amendments. In fact, the narrow crevice here in the Senate on relevancy would say it is not relevant for my colleague, the Senator from Illinois, to offer an amendment and say we are debating the repeal of $250 billion of tax obligation to the wealthiest 400 Americans, so I have another idea on what we ought to do with that $250 billion. I propose we use it to provide a prescription drug benefit in the Medicare program. It would only require part of that revenue. But that is his idea.

Under the narrow rules of the Senate, the majority says that is not relevant. We are not within the relevancy rules of the Senate, so we have no right to offer that idea. We have no right to offer that amendment.

We will and should have a longer and expanded debate about this issue. If we have the opportunity to offer amendments and have up-or-down votes on issues, we will have an opportunity to take away, forever, the proposition that small businesses or family farms are going to be caught with an estate tax. We will offer an amendment that provides a threshold beyond which no family farms or small businesses will be ever threatened by an estate tax.

That is not going to be the issue. The issue is much narrower than that. It is, Should we give up the revenue derived from an estate tax applied to the wealthiest estates in America? Should we give up revenue that could be used for other things, including reducing the Federal debt, providing middle-income tax relief, providing prescription drug benefits, or other urgent needs, or should we only decide our priority for the $250 billion is to relieve the tax burden on the estate of the wealthiest Americans? That is the question.

The question we are dealing with this morning is a motion to proceed to this issue. Proceed to what? Proceed to the estate tax repeal. Shall we proceed to debate the estate tax repeal? I have another idea. How about proceeding to debate the issue of prescription drugs in the Medicare program?

That is a bigger priority for me at the moment. Let's get that done. We have a very limited time between now and the middle of October when this Congress will complete its work. Let's proceed to do a Patients' Bill of Rights that gives real protection to patients in the health care system. Let's enact one that would say to a patient: You have a right to understand every option for your medical treatment—not just the cheapest —every option for your medical treatment; you have a right to that.

Some say we have debated that. Yes, we debated it and passed a patients' bill of goods, not a Patients' Bill of Rights. It is a hollow vessel. Let's get that back to the floor. Let's have a vigorous and aggressive debate. Let's have a discussion about the issues we have raised.

Let's have a discussion about the woman who was hiking in the Shenandoah mountains and fell off a 40-foot cliff and was taken to an emergency room with a concussion in a coma and multiple broken bones. After substantial medical treatment, she survived, only to be told by her HMO: We are not going to cover your emergency room treatment because you did not get prior approval to go to the emergency room.

This is a woman who was hauled in on a gurney in a coma and did not have prior approval for emergency room treatment. Let's talk about that.

Let's talk about a young boy named Ethan whose physical therapy was cut off. He was born with cerebral palsy, and it was judged by a managed care physician, or a managed care accountant, perhaps, that he had only a 50-percent chance of walking by age 5 and that was ''insignificant'': Therefore, the HMO said, we won't cover the rehabilitation therapy. Think about that. A 50-percent chance of walking by age 5 for young Ethan was deemed ''insignificant'' and so the HMO wouldn't cover his rehabilitation therapy. Let's talk about that.

Pass a motion to proceed to a Patients' Bill of Rights, and we will talk about these cases and these issues.

Let's talk about the young boy who died at the age 16. Senator REID and I had a hearing in Nevada. The young boy's mother told the tragic story. As she took her seat, she was crying and was holding aloft a large color picture of her 16-year-old son who had died, having been denied the treatment he needed to fight his cancer by the managed care organization. She said with tears in her eyes, holding a picture of her son aloft: My son looked at me and said: Mom, how can they do this to a kid?

Let's have a motion to proceed to talk about those issues. That is a priority with me.

This question of a motion to proceed is a question about what is important, what are our priorities. I say bring a Patients' Bill of Rights and have an aggressive, full debate. That issue has been in conference, and the conference has not moved a bit. The last time I mentioned that one of my colleagues protested: Oh, we have made a lot of progress. Month after month there has been no progress at all. When I heard that, I told him at least glaciers move an inch or two a year. There is no evidence that conference is alive. On a Patients' Bill of Rights, nothing is happening.

But, boy, take the estate tax repeal, just give some people around here a whiff of providing some big tax cuts to the wealthiest Americans and, all of a sudden, it is as if they had an industrial strength Vitamin B–12 shot. There is nothing but scurrying around this Chamber. Boy, are they excited.

We are excited about some other things. In fact, there are plenty of ideas for middle-income-tax relief. If we want to talk about tax cuts, we should be cautious because economists really do not have the foggiest idea what is going to happen 2, 4, 6, 10 years from now. They just do not know. We have been through a period in which we think this economy will never go into reverse; we think the business cycle has been repealed. It has not. We are going to go through periods of contraction, and we are going to continue to have economic conditions that we cannot predict. So we ought to be cautious about predictions of large, unrelenting surpluses.

Nonetheless, if we have surpluses in the future that are as generous as now predicted, it is perfectly reasonable for us to be talking about some targeted tax cuts that will make a real difference in the lives of people. There are plenty of such areas; repealing the estate tax for the wealthiest Americans does not rank high among them.

Yes, getting rid of the estate tax for family farms and small business does rank high. We are prepared to offer that amendment. If our amendment is adopted, we are not going to have the interruption of a family farm or small business when it passes from parents to children.

As I indicated earlier, there are 309 billionaires in this country. More than one-half of the billionaires—that is with a B—more than one-half of the billionaires in the world live in the United States. Good for us and good for them. I am as delighted as I can be with all that success. Many of them believe as I do that their estate ought to bear some estate tax when they die, and that estate tax, which we now receive, can be used for some other productive investments.

Some have an idea—incidentally, I have worked on it some as well. My colleague from Nebraska has worked on a proposal called KidSave, which would invest in supplementary savings accounts for children. In fact, we could develop a proposal which I have worked on that would in which the largest estates bearing an estate tax would help provide a modest pool of savings for every baby born in this country who then could access those savings upon, for example, the completion of high school.

What a wonderful incentive it would be to say to people that if they pay attention and do their homework and graduate from high school, a reward will be waiting for them. There are all kinds of ideas. But the only idea that moves around this Chamber is an idea on that side of the aisle that says we must repeal the entire estate tax and we must do it through a vote on this issue in this Chamber and we must do it by denying the minority the opportunity to offer any significant amendments.

Mrs. BOXER. Will my friend yield for a question?

Mr. DORGAN. I will be happy to yield.

Mrs. BOXER. I thank my friend for his eloquence on this point. Doesn't it really come down to on whose side are you? For whom do you come here to work? That is what my friend is saying. He is saying that if we did a fair alternative to the Republicans on this estate tax repeal, we can take care of those small family businesses, the farms, the people who have homes and have a lot of investment in them. We can essentially say only the very wealthiest, the ones who, frankly, owe a lot to the greatness of this Nation, the opportunity this Nation provides, their heirs would pay something and they would still wind up with millions and millions of dollars. My colleague is

saying, maybe even with a little bit of courage around here, we could target those funds to those who deserve to have the same shot.

I just held in my State of California a very important seminar, which was a learning experience for me, on the cost of child care and the availability of important early education. What I learned is that in California, only one in five kids who need quality child care even has a slot. For four out of five of the kids, there is not even a slot. And if one is lucky enough to have a chance at that slot, does my colleague know what it costs? Almost as much as it does to go to a private college.

I applaud my friend and ask him this question: Isn't this motion to proceed really about whose side are we on around here? Are we on the side of the vast majority of the people who get up every day and work hard and want a little attention to their problems—prescription drugs, Patients' Bill of Rights, the things my friend has discussed, quality education, quality child care—or those who earn in the billions, and I say billions because that is really who is going to be impacted by this repeal. I ask my friend that question.

Mr. DORGAN. I think the Senator from California is right. I was thinking also about the alternatives. We have had a lot of discussion and will have, I assume, a great deal more discussion on the ability to pass a family farm on to the children, and I certainly support that.

I want to have an exemption that will prevent the estate tax from snaring in its web the passage of the family farm from parents to children.

I will say to my friends who raise these issues, if you want to help family farmers, we have an amendment that will enable you to do that. But then you go further and say: We want to provide the richest 400 people in America a $250 billion tax break during the second 10 years. That is triple the amount of money each year that we now spend on the farm program.

We have this Freedom to Farm bill which is just devastating family farmers. Grain prices have collapsed. They have been collapsed for a long time. Perhaps we could take just a third of the amount of money they want to give in tax relief to the wealthiest estates in America—just a third of it—and say: Let's have a farm program that really keeps family farmers on the farm. It is not a priority for some. See, that is the problem.

It would be nice, for example—just in terms of what people think priorities are—if we could all go to an auction sale at some point. Arlo Schmidt, an auctioneer in North Dakota —he is a wonderful auctioneer—told me about a young boy about 8 years old who came up and grabbed him by the leg at the end of an auction sale.

This boy was the son of a farmer whose machinery and land were being sold. This little boy grabbed the auctioneer around his thigh and, with tears in his eyes, looked up at him, pointed at him, and said: You sold my dad's tractor. This little boy was very angry. He said: You sold my dad's tractor. Arlo said: I patted him on the shoulder and tried to calm him down a little bit. This was after the action was over. His dad's equipment was gone, and so on.

The little boy had none of this calming. The little boy, with tears in his eyes, said: I wanted to drive that tractor when I got big.

The point is, we have a lot of things happening in this country that relate to family values and our economy and to what kind of country we are. One of them I care a lot about, because I come from a farm State, is the health of our family farmers and their ability to make a decent living.

For those who would come to the Senate and say, let's get rid of the entire estate tax, I would say, regarding the wealthiest estates in our country, for you to flex your muscles and exert your energy to lift the burden of the estate tax from estates worth $1 billion, I do not understand it.

I do not understand it when we have so many other needs, such as the need for income tax relief for middle-income families —not the wealthy estates—the need to enact a family farm program so the farmers have a decent chance to make a living, the need to adopt a Patients' Bill of Rights, the need to include a prescription drug benefit in the Medicare program—and do it soon. There are so many needs, and what you have done is elevate the need for lifting the burden of the estate tax on the largest estates in our country, saying: That is job No. 1. That is our priority.

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

Mr. DORGAN. I am happy to yield.

Mr. DURBIN. The Senator made reference to an alternative to the Republican proposal to eliminate the estate tax. I am reading from this alternative. I would like to have the comment of the Senator from North Dakota. The Democratic alternative to change the estate tax would increase the exemption from $1.3 million per couple to $2 million per couple by 2002, and to $4 million per couple by 2010; meaning, if your estate is at $4 million, in the year 2010 you would not pay a single penny in estate taxes. This would eliminate the tax on two-thirds of the estates currently subject to tax every year.

The Democratic alternative would also increase the family-owned business exemption from $2.6 million per couple to twice that, of a general exemption, to $4 million per couple by 2002 and $8 million per couple by 2010. This would remove almost all family-owned farms and 75 percent of family-owned businesses from the estate tax rolls.

So the Democratic alternative eliminates two-thirds of the families paying estate taxes in America, 75 percent of the family-owned businesses, and virtually all of the family farms under the Democratic alternative, for a fraction of the cost of the Republican approach.

I think the Senator from North Dakota has made it clear that the people who are left at that point paying the estate tax, under the Democratic approach, would include, if I have not mistaken his comment, the Forbes top 400 wealthiest people in America. They would still be paying the estate tax.

I would like to ask the Senator from North Dakota if I am not mistaken. Did he not say that the Republican approach, as opposed to the Democratic approach, would mean for the top 400 wealthiest people in America, the Republican tax break would be $250 billion? Was that the comment made by the Senator from North Dakota? It would be a $250 billion tax break for 400 people in America? That is the Republican priority that they want to bring to the floor, and not consider everything else the Senator from North Dakota has raised?

Mr. DORGAN. Mr. President, the Senator from Illinois is correct.

Let me give you another piece of information. The largest 374 estates would get an average tax cut of $12.8 million. The largest 1,062 of the estates in this country—about five-hundredths of 1 percent of the estates—would get an estimated average tax cut of $7 million each.

The point isn't to say that having made money in this country is wrong or you should be penalized for it. That is not my point. My point is not that. This is a wonderful place in which some people do very well. Many of them who do very well do so because they work day and night. They have a certain genius —and good for them. There are others, however, as all of us know, who are fortunate to inherit a substantial amount of money —and good for them as well.

But our proposition is simple enough; that on those largest estates in this country—I am talking about the very largest estates—should there not be the retention of some basic estate tax to create some revenue that can be used then to invest in the future of this country, invest in its children, invest in its family farmers, invest in our senior citizens? Because we now receive that revenue. If we decide to repeal that revenue, the question is, measured against what? Is this the most important, or are there other areas that are more important? That is what we ought to be discussing.

That is why the motion to proceed, I think, is the place to discuss this. We have on a postcloture motion a number of hours within which we can discuss this issue. I hope my colleagues will also take some time.

I know it is popular to say: You know something, this is a death tax. The reason they say that is they have pollsters who poll the words, and they have discovered that if they use the words ''death tax,'' it is a kind of pejorative that allows people to believe: Well, OK, let's repeal the death tax.

It is much more than that. It is a tax on a decedent's estate that applies at certain levels and at certain times. I would agree with the majority party, if they say the exemption isn't high enough. It should be much, much higher. We want to make it much higher. But I would not agree, and do not agree, if they say: Let us repeal the estate tax burden on the largest estates in this country.

Again, let me say that there are many who have amassed very substantial estates who believe we should not repeal the estate tax burden. Incidentally, a substantial amount of charitable giving in this country is stimulated by the presence of an estate tax. I would not use that to justify its presence, but I would say that one additional result of a total repeal for the largest estates will, I think, have a very significant impact on foundations and charities in this country.

But we are going to have a very substantial discussion as we move along. This is a very important issue dealing with a lot of revenue. I must say, it is interesting that the issue is brought to the floor of the Senate without even going to the Finance Committee. I would expect the chairman and ranking member of the Finance Committee would express great concern about that. This is an issue that has just bypassed the Finance Committee, just being brought right to the floor of the Senate, with no hearings, no discussions, no markup in the Finance Committee.

It is also a circumstance where the majority leader has indicated he wants to bring this up, but he does not want people to offer amendments really. And if they are to offer amendments, he wants them to be relevant with respect to the decision of relevancy in the Senate, not with respect to what is relevant or nonrelevant about the subjects that are on the floor of the Senate.

For example, if the proposal is to substantially cut revenue by exempting the largest estates in this country from any estate tax burden, if that is the proposal, it would not be relevant in the Senate to say: I have another idea. Why don't we retain the tax burden on the largest estates, exempt the tax burden on the other estates, and then, instead of costing the extra $50 or $60 billion for the first 10 years and substantially move over the next 10 years, let's use that difference to provide a middle-income tax break, or let's use that difference to provide a larger tax credit for college tuition to send your children to college. Let's use that difference to provide a benefit of prescription drugs in the Medicare program. Let's use that difference to pay down the Federal debt that now exists at around $5.7 trillion—all of those ideas would be out of order and considered, under the arcane Senate rules, as nonrelevant.

Mr. THOMAS. Will the Senator yield for a unanimous consent request?

Mr. DORGAN. Of course, I yield, without losing my right to the floor.

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ORDER FOR RECESS

Mr. THOMAS. Mr. President, I ask unanimous consent that the Senate recess today from the hours of 12:30 to 2:15 in order for the weekly party conferences to meet. I further ask unanimous consent that the time count against the postcloture debate time.

The PRESIDING OFFICER. Is there objection?

Mrs. BOXER. Reserving the right to object, I know Senator WELLSTONE has been here a long time, and I have been here a long time. Is there any way we can work out an order of recognition when we come back after the conference lunches? I ask Senator ROTH if that would be possible.

Mr. WELLSTONE. Mr. President, I thank the Senator from California. I think it would be a good idea if we could work out an order, and I am pleased to do so.

Mr. ROTH. Mr. President, I request that the Democratic side give us a list of the order, and we will try to develop one as well. Then when the manager comes back for the Democratic side, we will see if we can't work that out.

Mrs. BOXER. I ask my friend, Senator DORGAN, after the party luncheons, if he intends to continue to speak.

Mr. DORGAN. No, Mr. President.

Mrs. BOXER. As we have it now, it is Senator WELLSTONE first and myself second. I would defer to our ranking member and the chairman to work this out. If you could take that into consideration, I will not object to the request.

Mr. WELLSTONE. Reserving the right to object, I wonder whether I could ask unanimous consent that I be allowed to speak since I have been here all morning, when we come back from the break.

The PRESIDING OFFICER. The Senator would have to repropound his request.

Mr. ROTH. Mr. President, Senator MOYNIHAN and myself will work this out. We will try to work it out so we can alternate back and forth.

Mr. WELLSTONE. I will not object.

The PRESIDING OFFICER. On the unanimous consent as originally propounded, is there objection? Without objection, it is so ordered.

The Senator from North Dakota has the floor.

Mr. ROTH. I have a parliamentary question.

The PRESIDING OFFICER. The Senator from North Dakota yielded for a unanimous consent to be propounded. The floor returns to the Senator from North Dakota.

Mr. DORGAN. Mr. President, the facts are not very evident with respect to this debate in most cases.

I thought it would be useful to quote from an interesting publication, the ''Farm and Ranch Guide''—it is a well-known publication to most farmers and ranchers—an article by Alan Guebert, ''A Tax Break for the Rich Courtesy of Family Farmers'' is its title.

He points out that in 1997, according to Internal Revenue Service data, 1.9 percent of the more than 2 million Americans who died paid any estate tax at all; only 1.9 percent paid any estate tax at all.

> As skinny as that slice was, an even skinnier 2,400 estates paid almost 50 percent of all estate taxes . . .

His point was, there are not many estates that are subject to an estate tax. I believe we ought to enact a generous exemption for family farms and small businesses so that no family farms or small businesses will be caught in the web of an estate tax.

It is not as if this is a riveting debate, of course. The estate tax is a complicated issue. It can be highly emotional. As we see in the Senate today, it is not going to keep people glued to their seats.

I suggest, however, the purpose of taxation is to pay for things we do in this country together. We build roads together because it doesn't make sense for each of us to build a road separately. We build schools because it makes sense that we do that together. We provide for a common defense. It requires taxes to pay for all this. It is what we do as Americans.

I probably shouldn't name particular cities, but go mail a letter in some cities around the world and see how quickly that letter moves. Go drive on some roads in rural Honduras and see how well your tires hold up. Go take a look at some of the services in other parts of the world and then evaluate what your tax dollar buys in this country. That is part of our investment in America. Some say that the payment of taxes is something we don't like very much—I think all of us share that feeling—so let's relieve that burden. They come to the floor with a plan. The plan is in writing and says, what we want to do is relieve the burden of the estate tax.

We say: That's all right. Let us relieve the burden so that nobody of ordinary means is going to have to pay an estate tax.

They say: No, that is not what we mean. Our idea is more than that. Our idea is, we want to remove the estate tax from everybody, including the largest estates in the country. So they say: our idea is to reduce the amount of revenue the Government has and to do it by relieving the burden of the estates tax on the largest estates.

We say: Well, that is an idea, but here is another idea. If we are talking about $250 billion in 10 years of tax relief, why go just to 400 of the wealthiest Americans? Why not provide some of that to the rest of the American folks?

How about to working families? How about some relief from the high payroll taxes people pay? How about some more relief from the cost of sending kids to college?

We have some ideas. But we are told: Your ideas don't matter. We are going to deal only with our own ideas, and those are ones that would benefit the upper-income folks. But we want to put clothes on it to disguise it a little because we know it doesn't sell very well to talk about providing tax relief to billionaires. We are going to disguise it to make it look different and call it tax relief for family farmers and small businesses.

But we support such relief. Let's do that right now. In fact, perhaps the Senator from Nevada could put forth a unanimous consent request. We can legislate like they do—don't go to the committees, don't have markups; just bring it to the floor and put forth a unanimous consent request. They have done that on the estate tax. Yesterday, they did it on the H–1B proposal. Perhaps we can say we support eliminating the estate tax for small businesses and family farmers and do it their way. That is not a good way to legislate, but let's try that. Then we can get that off the table so all that remains is the question, Are we going to provide a very substantial amount of tax relief to those 400 or so estates that represent the largest accumulation of wealth in the country? If that is the priority, what is it measured against—against the other priorities? Is it the most appropriate? Is it the most logical thing to do? Or are there other uses of that revenue that would make more sense for this country?

In summary, that is something that I think will be subject to a substantial amount of debate in the coming weeks. I wish to close where I began and say that there is a profound difference that exists between many of us and the majority party on the subject of whether the largest estates in this country should be relieved of the burden of paying an estate tax. I think there is a better use for those funds than tax relief for billionaires. On the other hand, there is no difference between us on whether we ought to make a quantum leap and provide a very significant exemption for the transfer of family farms or small businesses. And for a dramatic and substantial increase in the unified exemption from the current roughly $675,000 level, I would support taking that to the $4 million level for a husband and wife. I think we can do that. There certainly should be agreement on that. We can take that step, and what is left is an idea to relieve the rest of the burden by some of the majority, and other ideas that we would have for the use of those funds, including middle-income tax relief. Let's have that debate. It seems to me that would be the simple way of proceeding.

I wanted to make some of those points. I appreciate my colleagues who are also going to make some points in the postcloture discussion. Then we should have this debate, with amendments. I think time agreements could be developed, and I think at the end of the debate we would see where the votes are in the Senate on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. REID. Will the Senator yield for a unanimous consent request, without losing his right to the floor?

Mr. CRAIG. Yes.

Mr. REID. Mr. President, I have discussed this with the chairman of the Finance Committee. After the recess, which will be in a few minutes, we would like these Senators to speak. On our side of the aisle, the order of speakers would be Senators WELLSTONE, BOXER, FEINGOLD, KENNEDY, DURBIN, and HARKIN on postcloture regarding this estate tax matter. On the Republican side, the speakers who have been requested are Senators BURNS, KYL, and GRAMS so far. We will alternate back and forth. The majority will fill in a couple more speakers so there would be a requisite number on each side. People on my side have indicated they would take a half hour or so, but we won't lock in the time at this time, only the order of speakers.

I ask unanimous consent that we be able to do that at this time.

The PRESIDING OFFICER. Is the Senator from Idaho allowed to complete his time?

Mr. REID. Of course.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, under a unanimous consent agreement, we are slated to recess at 12:30, is that correct?

The PRESIDING OFFICER. Yes.

Mr. CRAIG. Mr. President, I come to the floor to speak for a few moments. Senator DORGAN was on the floor talking about the character of his State and the character of this issue of estate tax or death tax, whatever we wish to call it. I call it that which destroys the American dream.

I have always been amazed that anyone who serves in public life can justify the revenue they spend for the sake of Government as somehow destroying someone else's life or property. Yet over the years, clearly, the estate tax provision of our national Tax Code has done just that.

The Presiding Officer is from the State of Wyoming. I am from Idaho. Much of our States are made up of farmers, ranchers, and small business people. Really, the character of the business and industry of our States is made up of small businesses.

Some of us strive all of our lives in a small business to create a little estate that we then want to hand to our children, if they choose to carry on that which we have developed. Yet in nearly every instance today, under current law, to be able to carry on that small Main Street business or that farm or that ranch, you have to re-buy it. You have to sell it to get the revenue to pay off the Federal Government, and then you spend the rest of your life, as the person who is the inheritor, paying for the business.

That is not the American dream. That is not what built the basis of wealth in our country which has generated this tremendous economy, which employs the men and women who make up the workforce of our economy. That is why I and others have consistently argued that, clearly, we needed to either eliminate the estate tax or do it in a way that recognizes those small- and medium-size proprietorships and businesses that are not held in stock or in corporations. That is exactly what we are attempting to do.

I am always amazed that the other side will come to the floor and say: Well, this is a great idea, but then again we ought to consider this or that, and maybe we ought not to do that, and that somehow it is wrong to generate wealth in our society and to want to be able to pass it on to our children and grandchildren.

Shame on those who want to deny the American dream. Shame on those who want to deny the energy and the spirit that has created this country and made it the greatest country ever known on the face of the Earth—a country great for its ability to allow individual citizens to grow and generate wealth in business. That is what this debate is fundamentally about. So anybody who wants to come to the floor and deny us as a Congress, as a people, the right to deal with this issue in a fair and equitable way simply denies the average citizen of this country the American dream.

Let us not get lost in the words. Let us not get lost in the phraseology about a little bit here and a little bit there, and we have to have all this money to spend in Government. This is the time of the greatest prosperity in the history of this country. There are articles out there saying that the surplus is going to double and triple into the trillions of dollars; yet we still have in the law a situation that says: If you die, you lose. If you die, the Government gets your work. If you die, all of the lifetime you have spent building a little business, a farm, or a ranch is somehow no longer yours.

I am sorry, but I am not going to get fouled up in the rhetoric, and I am going to continue to come to the floor to try to cut through the silly philosophy that somehow the Government has a right to all your money. What we have here is a responsible and legitimate piece of legislation to change the tax law of this country to gradually move us out of the situation that says if you die, you sell your business and the Government gets the money. What is wrong with medium- and small-size businesses that are not large corporations or stock-held businesses? What is wrong with allowing your children to have them, if they want them to continue that business and continue that legacy?

That is the issue that is before us. That is what is embodied in H.R. 8.

I suggest that anybody who would want to say something different—whether it is on the minor side, or whether they want to use the politics of the day to deny this to the average American—shame on you. I don't see any good politics in that kind of bad politics.

Mr. REID. Mr. President, I failed to be courteous to my friend from Idaho for allowing me to interrupt. I express my appreciation for his willingness to do that.

Mr. CRAIG. I thank the Senator from Nevada.

—

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 having arrived, the Senate will stand in recess until the hour of 2:16 p.m.

Thereupon, the Senate, at 12:31 p.m., recessed until 2:16 p.m., whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. INHOFE).

The PRESIDING OFFICER. The Senator from Minnesota.

—

DEATH TAX ELIMINATION ACT—MOTION TO PROCEED

Mr. WELLSTONE. Mr. President, let me, first of all, mention to colleagues when we look at this estate tax bill, the Center on Budget and Policy Priorities—and I think their work has been impeccable—points out that fewer than 1.9 percent of the 2.3 million people who died in 1997 had any tax levied on their estates. We are talking about 1.9 percent.

This repeal that my colleagues on the other side of the aisle are proposing helps the wealthiest 2 percent of Americans. I ask unanimous consent the full study from the Center on Budget and Policy Priorities be printed in the RECORD.

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

[From the Center on Budget and Policy Priorities, June 21, 2000]

ESTATE TAX REPEAL: A WINDFALL FOR THE WEALTHIEST AMERICANS

(By Iris J. Lav and James Sly)

SUMMARY

On June 9 the House passed legislation that would repeal the federal estate, gift, and generation-skipping transfer tax by 2010. The Senate is expected to consider estate tax repeal in July.

Repealing the estate tax would provide a massive windfall for some of the country's wealthiest families.

In 1997, the estates of fewer than 43,000 people—fewer than 1.9 percent of the 2.3 million people who died that year—had to pay any estate tax. The Joint Committee on Taxation projects that the percentage of people who die whose estates will be subject to estate tax will remain at about two percent for the foreseeable future. In other words, 98 of every 1,000 people who die face no estate tax whatsoever.

To be subject to tax, the size of an estate must exceed $675,000 in 2000. The estate tax exemption is rising to $1 million by 2006. Note than an estate of any size may be bequeathed to a spouse free of estate tax.

Each member of a married couple is entitled to the basic $675,000 exemption. Thus, a couple can effectively exempt $1.35 million from the estate tax in 2000, rising to $2 million by 2006.

The vast bulk of estate taxes are paid on very large estate. In 1997, some 2,400 estate—the largest five percent of estates that were of sufficient size to be taxable—paid nearly half of all estate taxes. These were estates with assets exceeding $5 million. This means about half of the estate tax was paid by the estates of the wealthiest one of every 1,000 people who died.

If the estate tax had been repealed, each of these 2,400 estates with assets exceeding $5 million would have received a tax-cut windfall in 1997 that averaged more than $3.4 million.

As these statistics make clear, the estates of a tiny fraction of the people who die each year—those with very large amounts of wealth—pay the bulk of all estate taxes.

Moreover, a recent Treasury Department study shows that almost no estate tax is paid by middle-income people. Most of the estate taxes are paid on the estates of people who, in addition to having very substantial wealth, still had high incomes around the time they died. The study found that 91 percent of all estate taxes are paid by the estate of people whose annual incomes exceeded $190,000 around the time of their death. Less than one percent of estate taxes are paid by the lowest-income 80 percent of the population, those with incomes below $100,000.

SMALL BUSINESSES AND FAMILY FARMS

Very few people leave a taxable estate that includes a family business or farm. Only six of every 10,000 people who die leave a taxable estate in which a family business or farm forms the majority of the estate.

Nevertheless, it often is claimed that repeal of the estate tax is necessary to save family businesses and farms—that is, to assure they do not have to be liquidated to pay estate taxes. In reality, only a small fraction of the estate tax is paid on small family businesses and farms. Current estate tax law already includes sizable special tax breaks for family businesses and farms.

To the extent that problems may remain in the taxation of small family-owned businesses and farms under the estate tax, those problems could be specifically identified and addressed at a modest cost to Treasury. Wholesale repeal of the estate tax is not needed for this purpose.

Farms and family-owned business assets account for less than four percent of all assets in taxable estates valued at less than $5 million. Only a small fraction of the estate tax is paid on the value of farms and small family businesses.

Family-owned businesses and farms are eligible for special treatment under current law, including a higher exemption. The total exemption for most estates that include a family-owned business is $1.3 million in 2000, rather than $675,000. A couple can exempt up to $2.6 million of an estate that includes a family-owned business or farm.

Still another feature of current law allows deferral of estate tax payments for up to 14 years when the value of a family-owned business or farm accounts for at least 35 percent of an estate, with interest charged at rates substantially below market rates.

Claims that family-owned businesses have to be liquidated to pay estate taxes imply that most of the value of the estate is tied up in the businesses. But businesses or farms constitute the majority of the assets in very few estates that include family-owned businesses or farms. A Treasury Department analysis of data for 1998 shows that in only 776 of the 47,482 estates that were taxable that year—or just 1.6 percent of taxable estates—did family-owned businesses assets (such as closely held stock, non-corporate businesses, or partnerships) equal at least half of the gross estate. In only 642 estates—1.4 percent of the taxable estates—did farm assets, or farm assets and farm real estate, equal at least half of the gross estate.

Furthermore, the law can easily be changed to exempt from the estate tax a substantially larger amount of assets related to family-owned farms or businesses, and this can be done without repealing or making other sweeping changes in the estate tax. When the House considered the estate tax on June 9, Ways and Means Committee ranking member Charles Rangel offered an alternative that would have exempted the first $2 million of a family-owned business for an individual and $4 million for a couple, without requiring any estate planning.

EFFECTIVE ESTATE TAX RATES MUCH LOWER THAN MARGINAL RATES

The estate tax is levied at graduated rates depending on the size of the estate; the highest tax rate is 55 percent. This sometimes leads people to conclude that when someone dies, half of their estate will go to the government.

It normally is not the case, however, that half of an estate is taxed away. Effective tax rates for estates of all sizes are much lower than the marginal tax rate of 55 percent. On average for all taxable estates in 1997, estate taxes represented 17 percent of the gross value of the estate. A combination of permitted exemptions, deductions, and credits, together with estate planning strategies, reduced the effective tax rate to less than one-third of the 55 percent top marginal tax rate.

REPEAL OF THE ESTATE TAX CARRIES A HIGH COST

Repealing the estate tax would be very costly. According to the Joint Committee on Taxation, the House bill would cost $105 billion over the first 10 years, as it phases in slowly. Once the proposal was fully in effect—and the estate tax had been repealed—the proposal would cost about $50 billion a year. The cost of the proposal in the second 10 years—from 2011 to 2020—would be nearly six times the cost for 2001–2010.

Under the House bill, the estate tax would be reduced gradually over the next decade, leading to full repeal in calendar year 2010. Under current law, CBO projects the estate tax will bring in $48 billion a year by 2010.

In the 10 years between 2011 and 2020, the estate tax likely would bring in at least $620 billion under current law. The House bill includes a provision, relating to the valuation of capital assets when a person dies, that would offset a small portion of the revenue loss from repeal of the estate tax. The offsetting revenue gain is likely to be in the range of $5 billion to $10 billion a year.

The net effect of the House bill when fully phased in thus would be a revenue loss likely exceeding half a trillion dollars over 10 years.

The very high cost of repeal would be felt fully in the second decade of this century. That is the period when the baby boomers begin to retire in large numbers, substantially increasing the costs of programs such as Social Security, Medicare, and Medicaid. Repealing the estate tax would subsequently reduce the funds available to help meet these costs and to facilitate reforms of Social Security and Medicare that would extend the solvency of those programs, as well as to meet other priority needs such as improving

educational opportunities, expanding health insurance coverage, and reducing child poverty. It also would leave fewer funds for tax cut targeted on average working families.

MOST ESTATE TAXES ARE PAID BY LARGE ESTATES

Most estate taxes are paid by large estates rather than by small family-owned farms and businesses. As noted above, the first $675,000 of an estate is exempt from taxation in 2000, with the exemption scheduled to rise to $1 million by 2006. In addition, an unlimited amount of property can be bequeathed to a spouse free of estate tax.

Moreover, each member of a married couple is entitled to the basic $675,000 exemption. A number of simple estate planning devices are available under the law, the net effect of which is to double the amount a couple can exempt from estate taxation. Thus, a couple can effectively exempt $1.35 million from estate tax in 2000, rising to $2 million by 2006.

As a result of these exemptions and other provisions, such as unlimited deductions for charitable giving, only about two percent of all deaths result in estate tax liability. Of the 2.3 million people who died in 1997, for example, fewer than 43,000 had to pay any estate tax.

Of those estates that are taxable, the largest pay most of the estate tax. An analysis by IRS of the 42,901 taxable estates filing in 1997 showed that the 5.4 percent of taxable estates with gross value exceeding $5 million paid 49 percent of total estate taxes. In other words, about half the estate tax was paid by the estates of just 2,400 people—about one out of every 1,000 people who died. The 15 percent of taxable estates with gross value exceeding $2.5 million paid nearly 70 percent of total estate taxes.

The average estate tax payment for the 2,400 taxable estates with assets exceeding $5 million in 1997 was $3.47 million. If the estate tax had been fully repealed for 1997 filers, the 2,400 wealthiest people who died thus would have received a tax-cut windfall averaging about $3.5 million each. A few hundred of the very wealthiest people who left estates exceeding $20 million would have received a tax-cut windfall of more than $10 million each.

ESTATE TAX PAYERS ALSO ARE HIGH-INCOME

A new analysis by the Treasury Department looks at the annual income of decedents who pay estate taxes. The Treasury analysis finds that virtually all estate taxes—99 percent—are paid on the estates of people who were in the highest 20 percent of the income distribution at the time of their death. Some 91 percent of all estate taxes are paid on the estates of individuals who had annual incomes of more than $190,000 around the time of their death.

EFFECTIVE TAX RATE ON ESTATES IS FAR LOWER THAN MARGINAL RATES

It often is claimed that estate tax rates are too high and that the government should not be taking as much as half of a person's lifetime savings when he or she dies. The assertion that the government takes half of a person's estate stems from the fact that the estate tax is levied at graduated rates, with the highest marginal rate of 55 percent applying to estates with a value exceeding $3 million.

Data on estate taxes actually paid, however, show that estate taxes represent one-sixth the value of the average estate, not one-half. As shown in Table 1, estate taxes paid equaled 17 percent of the gross value of taxable estates for which estate tax returns were filed in 1997. The smallest and the largest estates had the lowest effective tax rates. In estates valued between $2.5 million and $20 million, the effective tax rate was approximately one-quarter of the amount of the gross estate.

SMALL BUSINESSES AND FARMS MAKE UP ONLY A SMALL FRACTION OF TAXABLE ESTATES

IRS data show that farms and small, family-owned businesses make up only a small proportion of taxable estates. Farm property, regardless of size, accounted for about one-quarter of one percent of all assets included in taxable estates in 1997. Family-owned business assets, such as closely-held stocks, limited partnerships, and non-corporate businesses, accounted for less than four percent of the value of all taxable estates of less than $5 million. (Farm and family-owned business assets together accounted for about 10 percent of all assets in all estates and less than four percent of the value of taxable estates of less than $5 million.)

Of particular significance is a Treasury Department tabulation of 1998 data. It shows that in only 776 out of the 47,482 taxable estates that year did family-owned business assets (closely held stock, non-corporate businesses, or partnerships) equal at least half of the gross estate. Similarly, on only 642 out of these 47,482 taxable estates did farm assets or farm assets and farm real estate equal at least half the gross estate. Thus, for 1,418 estates out of the approximately 2.3 million people who died that year—or six out of every 10,000 people who died—did family-owned businesses or farms form the majority of the estate. The Treasury analysis found that estates that included these assets paid less than one percent of all estate taxes.

Most farms have relatively modest value. The Agriculture Department estimates that in 1998, fewer than six percent of all farms had a net worth in excess of $1.3 million, the amount of an estate that is completely exempt if the estate includes a family-owned farm. Only 1.5 percent of farms have net worth over $3 million.

SMALLER, FAMILY-OWNED BUSINESS ALREADY ELIGIBLE FOR FAVORABLE TREATMENT

Family-owned businesses and farms already are eligible for special treatment under current law.

Under current law, family-owned businesses and farms may be valued in a special way that reflects the current use to which that property is put, rather than its market value. This provision generally reduces the value that is counted for purposes of estate tax; the reduction in value can be as much as $770,000 in 2000. This amount is indexed annually for inflation.

To use the special valuation, the decedent or other family members must have participated in the business for a number of years before the decedent's death, and family members must continue to operate the business or farm for the following 10 years. This assures that the benefit of this special valuation goes to relatively smaller businesses and farms than are family owned and operated.

The amount of an estate that is exempt from taxation is higher for family-owned businesses and farms than for other types of estates. Instead of the $675,000 exemption (which rises to $1 million in 2006), the 1997 tax law increased the total exemption for most estates that include family-owned businesses to $1.3 million.

In addition, when the value of a family-owned business or farm accounts for at least 35 percent of an estate, current law allows deferral of taxation. The tax payable on such an estate may be stretched over up to 14 years, including deferral of annual interest payments for five years, followed by up to 10 annual installments of principal and interest.

IS IT DIFFICULT TO QUALIFY AS A ''FAMILY-OWNED'' BUSINESS?

Proponents of estate tax repeal often claim that increasing the exemption for family-owned businesses is not a sufficient remedy, because the law makes it too hard to qualify for treatment as a family-owned business. In fact, the definition of a family-owned business is very expansive so long as the family owns and operates the business and intends to continue doing so.

If a business is wholly owned and operated by the person who died, it easily qualifies for treatment as a family-owned business under current estate tax law. Otherwise, there are two key factors that determine whether the business or farm qualifies as a family-owned business.

The first factor is the relationship of the person who died to others who own a share in the business or help run it. For purposes of the estate tax, the term ''family'' is quite broad; it includes, for example, grandchildren and great-grandchildren and their spouses as well as nieces and nephews and their spouses.

The second consideration is whether the family actually owns and operates the business.

The family must own at least 50 percent of the business. However, if more than one family owns the business, the family of the person who died may own as little as 30 percent of the business.

Either the person who died or any family member (as family member is broadly defined) must have owned and materially participated in the business for at least five of the previous eight years. In general, material participation means working at the business and taking part in management decisions.

Businesses that manufacture or sell a product, provide a service, or engage in farming qualify for the special treatment. A business that is solely a holding company for managing other investments would not qualify.

The company cannot be publicly-traded. If stock in the business has been publicly-traded within three years of the person's death, the business does not qualify as family-owned.

The heirs also must continue to operate the business for a period of time. In the decade after the person's death, each qualified heir or a member of his or her family must materially participate in the business for at least five of any eight consecutive years. If three siblings inherit a business, for example, the test would be met if any one of them participated. It also would be met if one sibling's daughter were the only participant.

If payments are deferred and paid over time in installments, a below-market interest rate of just two percent applies to the tax attributable to the first $1,030,000 in value of a closely held (family) farm or business. There also is a preferential rate on the tax attributed to the remaining value of the family farm or business.

ESTATE TAX RELIEF FOR FAMILY FARMS AND SMALL BUSINESSES CAN HAVE MODEST COST

There are a number of ways the estate tax burden could be substantially relieved for these family businesses and farms without repealing or making fundamental changes in the rest of the estate tax. A proposal offered in the House Rep. Charles Rangel, the ranking minority member of the Ways and Means Committee, as an alternative to repealing the estate tax included such a provision.

A provision in the Rangel proposal would have raised the exclusion for family-owned farms and small businesses from $1.3 million to $2 million. It also would have allowed the transfer of any unused portion of the exclusion between spouses. As a result, a married

couple with a farm or small business interest would receive a $4 million exclusion. (Under current law, a couple can receive a $2.6 million exclusion for a farm or small business interest if they engage in some estate tax planning. The Rangel provision would have provided the $4 million exclusion without the need for estate tax planning.)

This type of substantial additional tax relief for family owned farms and businesses carries a cost that is only a tiny fraction of the cost of fully repealing the estate tax. This provision would cost about $2 billion a year, compared to the approximately $50 billion-a-year cost of the Archer proposal when fully in effect.

REPEALING THE ESTATE TAX CARRIES A HIGH COST

The Joint Committee on Taxation estimates that the bill the House passed to reduce and ultimately eliminate the estate tax would cost $104.5 billion over the 10-year period from 2001 through 2010. Full repeal of the estate tax would be effective for people who die in 2010 and years after that. The full revenue effect from repealing the estate tax would not be felt until two to three years after that, because estate taxes are rarely paid in the year of death; it takes two to three years to settle an estate and file the estate-tax return. As a result, the cost of repealing the estate tax is not reflected in any year in the 10-year period covered by the revenue estimate for the bill.

REPEALING THE ESTATE TAX WOULD REDUCE CHARITABLE BEQUESTS

Current estate tax law includes an unlimited charitable deduction; no estate tax is due on funds bequeathed to charities. For the largest estates that are subject to the 55 percent marginal estate tax rate, each additional $1,000 given to charity reduces estate taxes by $550.

In 1997, more than 15,500 estates took advantage of this provision, making—and deducting—donations worth more than $14 billion. (This includes the charitable deductions taken by all estates required to file estate tax returns in 1997, some of which were taxable and some of which had sufficient total deductions and credits to eliminate estate tax liability.)

The charitable deduction is most heavily used by the largest estates. In 1997, charitable deductions equaled 30 percent of the total gross assets of taxable estates valued over $20 million, as compared to about three percent of the assets of smaller estates. Over half of the taxable estates of more than $20 million took a deduction for charitable bequests in 1997; these estates gave a total of $7.5 billion to charity, averaging more than $41 million in donations per estate. This is one of the reasons the effective estate tax rates are lower for estates valued at $20 million or more than for estates valued between $1 million and $20 million. (See Table 1.)

The research on the effect of the estate tax on charitable giving has consistently shown that levying estate taxes increases the amount of charitable bequests. The most recent study, by Treasury Department economist David Joulfaian, analyzed the tax returns of people who died in 1992. Joulfaian found that eliminating the estate tax would reduce charitable bequests by about 12 percent overall. Had there been no estate tax in 1997, charities thus would likely have received about $1.7 billion less in bequests than they did.

The actual loss to charity is likely to be greater than is implied by looking solely at bequests, however, because some people with significant estates make charitable contributions while they still are alive with the intention of reducing both their income taxes and the amount of their assets on which the estate tax will be levied. If a person gives to charity through the popular device known as a charitable remainder trust, for example, the assets do not show up in the estate tax statistics. Under a charitable remainder trust, the person transfers assets to the trust. The trust provides the person a stream of income for the remainder of his or her life, and whatever remains in the trust at the end of the person's life goes to charity. The person gets an immediate income tax deduction for the amount that will go to charity, computed based on his or her life expectancy (as determined actuarially). In addition, amounts transferred in this manner are considered to have been transferred prior to death and are not included in the estate when the donor dies. In 1997, a total of 82,176 charitable remainder trusts were in existence, containing assets totaling $60.5 billion. Charitable remainder trusts are just one example of charitable donations that may take place toward the end of life that reduce both income taxes and estate taxes.

Under current law, CBO projects the estate tax will bring in $48 billion a year by 2010. In the 10 years between 2011 and 2020, the estate tax likely would bring in at least $620 billion under current law. Repealing the estate tax consequently would result in the loss of the entire $620 billion over the 10-year period. The House bill also includes a provision relating to the valuation of capital assets when a person dies that would offset a small portion of the revenue loss from repeal of the estate tax; the offsetting revenue gain is likely to be in the range of $5 billion to $10 billion a year. Thus, the net effect of the House bill, when fully phased in, would be a revenue loss likely to exceed half a trillion dollars over the 10-year period from 2011 through 2020.

Mr. WELLSTONE. Last week, President Clinton pointed out the cost of this repeal, helping the top wealthiest 2 percent of our population. It amounts to $100 billion over the first 10 years and then $750 billion over the next decade.

I will speak for some period of time, and I know other Senators will speak as well, about what we could be doing and should be doing instead of repealing this inheritance tax helping the top 2 percent of the population.

Instead of this repeal helping the top 2 percent of the population, we could help renew our national vow of equal opportunity for every child. We could start by making sure families in our country are helped with affordable child care. I can't think of a more important issue, especially for younger working families. I don't know how many times in Minnesota, or anywhere I go in the country, I have people coming up to me—maybe they make $40,000 a year or $35,000 a year, and the child care expenses range anywhere from $6,000 a year to $12,000 a year. We could have a refundable tax credit. It could be for families under $30,000. You could put it on a sliding fee scale basis. We could go up to $30,000, $40,000, $50,000 a year, which would help families afford child care. Why don't we do that?

The Federal Government—that means the Senate, that means the House of Representatives—could be a real player in pre-K education. By the way, child care—whether a family provider, whether in a child care center, or whether or not a child is at home with a parent—is all about education. Those children who are able to receive developmental child care, who were nurtured, who were intellectually stimulated, will come to kindergarten ready to learn and they will do well.

For many families, and not only low-income families, this is a salient issue. The way this is drafted right now, going to the wealthiest 2 percent of Americans, we could—and I intend to have an amendment that focuses on this—have some tax credits that go to families so they can afford child care.

This is an emergency situation in many of our States. At best, 20 percent of the children in 20 percent of these families are receiving any help whatsoever. There was a powerful piece in the Washington Post last weekend talking about the fact that not only can families not afford this, but there is almost a 40-percent turnover of child care providers every year.

I ask unanimous consent that this article, ''Burdened Families Look for Child Care Aid,'' be printed in the RECORD.

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

[From the Washington Post, July 6, 2000]

BURDENED FAMILIES LOOK FOR CHILD-CARE AID

(By Dale Russakoff)

WOODBRIDGE, N.J.—Debra Harris, a single mother, quit her $34,000-a-year job as an occupational therapist for the summer because she can't afford full-time care for her two children.

Kathy Popino, a receptionist, and her electrician husband have gone into debt to keep their toddler and 8-year-old in child care at the YMCA, after a bad experience with a lower-priced home caregiver.

Mary O'Mara, a computer network administrator, and her husband, a factory worker, have junked the conventional wisdom of ''pay your mortgage first.'' They sometimes pay a late fee on their home loan to cover child care first, lest they lose coveted spaces in a center they trust.

Child care is in slow-motion crisis for middle-income families, and Middlesex County, N.J., is in the thick of it. With three of four mothers working outside the home—near the national average—this swath of suburbs dramatizes the cost to working families of the national political consensus that child care is a private, not public, responsibility.

For 30 years, politicians have promised to shift the burden for families in the middle, with little result. Vice President Gore recently called for tens of billions of dollars in spending and tax breaks over a decade to improve care from infancy through adolescence—a proposal advocates called impressive in its reach, but short on resources and details.

Texas Gov. George W. Bush has proposed initiatives only for the poor, saying working families can apply his proposed income tax cut to child care bills.

Would-be beneficiaries here had a feeling they'd heard that before.

''I was so hopeful when the Clintons came in,'' said Popino, 34. ''I saw Hillary as a working mom's best friend. I remember she said, 'It takes a village.' Okay, it's been eight years. When are they going to get to my village?''

The politics of welfare reform has focused national attention and money on the vast

child care needs of women in poverty, which remain unmet. And the economic boom is helping affluent families pay full-time nannies or the $800- to $1,000-a-month fees at new, high-quality centers.

But with a record 64 percent of mothers of preschoolers now employed, and day care ranked by the Census Bureau as the biggest expense of young families after food and housing, officials say middle-income families routinely are priced out of licensed centers and homes. The median income for families with two children is $45,500 annually, according to the Census Bureau.

''Basically, we have a market that isn't working,'' said Lynn White, executive director of the National Child Care Association, which represents 7,000 providers.

In a booming economy in which almost any job pays better, day care centers now lose a third to more than half of their staffs each year, and licensed home caregivers have quit in droves, according to national surveys.

The average starting wage for assistant day care teachers nationally rose 1 cent in eight years—to $6 an hour. Weekly tuition at centers in six cities rose 19 percent to 83 percent in the same period, as states tightened regulations.

Most industrialized countries invested heavily in early-childhood care as women surged into the work force in the 1970s, but Congress and a succession of presidents left the system here mostly to the marketplace, directly subsidizing only the poorest of the poor.

A federal child care tax credit, enacted in 1976, saves working families $3 billion, but advocates say it has fallen far behind inflation. (It saved Debra Harris $980 last year, leaving her cost at more than $7,000.)

When the military faced the same crisis of quality, affordability and supply a decade ago, Congress took a strikingly different approach. It financed a multibillion-dollar reform in the name of retaining top recruits and investing in future ones.

The result was a system of tightly enforced, high-quality standards for day care, home care and before- and after-school care. It included continual training of workers and more generous pay and benefits.

Advocates hail the system as a model. With 200,000 children in care, it costs an average of $7,200 a child, which the government subsidizes by income.

''The best chance a family has to be guaranteed affordable and high-quality care in this country is to join the military,'' concluded an analysis by the National Women's Law Center.

Debra Harris used to drop her kids at Pumpkin Patch Child Development Center in working-class Avenel every morning at 7 in a weathered Ford Escort. She popped buttered bagels in the center's microwave for their breakfasts before heading to Jersey City, where she was a school occupational therapist.

A bus took Whitney, 9, and Frankie, 7, to school and brought them back at day's end to Pumpkin Patch, which they complained was cramped and a bit boring. Their mother considered it the safest and best care she could afford.

This summer, though, Whitney and Frankie's needs would have grown before- and after-school care (total: $440 a month) to full-day care at Pumpkin Patch's camp (total: $1,400 a month). Harris recently went back over the match, incredulous at the results.

''I can make $25 an hour on a per-diem basis,'' she said. ''If I work 40 hours a week, that's $4,000 a month, $3,200 after taxes. If I take out $1,400 for my mortgage and $1,400 for full-time day care, that leaves $400—$100 a week to buy food and gas, pay bills, go to the shore on the weekend. This is crazy!''

So Harris decided to quit her job for the summer, find part-time work and draw down her savings.

At 30, Harris prides herself on providing for her children ''without ever using the welfare system, thank God,'' despite difficulties that include an ex-husband who is more than $6,000 behind in child support, according to her records.

Child care was never easier when she was married, and not just because of her husband's paycheck, Harris said. Early in their marriage, they were stationed in Germany with the Air Force and had access to German-subsidized child care. They paid $40 a month per child for full-time care in a stately, 19th-century building within walking distance of their home.

''I find it really discouraging that my own government says I shouldn't need help with child care,'' Harris said. ''Now is when I really need some help.''

The first time Washington tried to help—and failed—was 1971. Congress passed a $2 billion program to help communities develop child care for working families, but President Richard M. Nixon vetoed it as ill-conceived, writing in his veto message that it would ''commit the vast moral authority of the National Government to the side of communal approaches to child-rearing over . . . the family-centered approach.''

Mothers of school-age children kept going to work anyway. In 1947, 27 percent was employed at least part time; in 1960, it was 43 percent; in 1980, 64 percent; in 1998, 78 percent. State governments took the lead in setting child care standards, which vary dramatically, as do fees and quality.

In the late 1980's, with the number of children in care surging, Congress again took up the cause of middle-income as well as poor families. The resulting Act for Better Childcare, signed by then-President George Bush in 1990, vastly increased aid to the poor, whose needs were the most urgent. But middle-income families were left out.

Poor families' needs became even more pressing in 1996 with the passage of welfare reform, which sent women from assistance rolls to the work force. A federal child care block grant aimed at families making up to 85 percent of a state's median income is going overwhelmingly to families in or near poverty, reaching only 1 in 10 eligible children, according to the U.S. Department of Health and Human Services.

In 1988, President Clinton moved to expand the child care tax credit but was blocked by Republicans who said it slighted mothers who stayed home with their children.

This election year could be different, several analysts said. Although most voters care less about child care than Social Security and taxes, the issue rates highest with women younger than 50, particularly those under 30, a crucial voting bloc for both Bush and Gore.

Unlike 1996, when these women were solidly for Clinton, their concerns now have political cachet, according to Andes Kohut of the Pew Research Center for the People and the Press.

At the same time, advocates are linking quality child care to school readiness, hoping to tap into the national focus on education. They emphasize that the government subsidizes higher education for all families, but not ''early ed,'' as they call child care, which hits young families, who have fewer resources.

Another political impetus comes from recent reports of the U.S. military program's success. Newspaper editorials in almost every region of the country asked why the civilian world can't have the same quality child care.

Kathy Popino has been asking for years. Her husband, Warren, was in the Coast Guard when their son, Matthew, was born, and they paid $75 a month—subsidized by the Department of Defense—to a home caregiver trained by the DOD. ''She was wonderful. The military inspected all the time,'' Popino said.

When Warren left the Coast Guard to become an electrician, they moved to Metuchen, N.J., but couldn't find licensed care at even twice that price. They opted for an unlicensed home caregiver who cared for Matthew for $80 a month, along with two other children.

But Matthew, then 2, began crying nights, and ''his personality did a 180,'' Kathy said. Unable to sleep herself or concentrate at work, Kathy moved him to a state-of-the-art KinderCare Learning Center they couldn't afford. ''Visa became our best friend,'' she said.

Ultimately, they moved him to the YMCA, where they now pay about $800 a month for high-quality, full-time care for Gillian, 1½, and after-school care for Matthew, 8. The program there includes weekly swim lessons, daily sports and homework help in spacious, sun-filled rooms.

In the process, Popino has developed a keen class consciousness. ''When summer camp starts, you pay every Monday, and everybody who pays with credit cards walks out to our used cars we owe money on. The people paying by check walk out and get in their new Lexus,'' she said.

The Y's fees are lower than prices at similar, for-profit centers, but cost pressures are rising as the labor market tightens. Child care director Rose Cushing said turnover rates are well over 30 percent, even with the agency paying health benefits to its teachers.

Twenty minutes south on U.S. Route 1, at Pumpkin Patch, where fees, teacher pay and the facilities are more modest, proprietor Michelle Alling has held on to four of her head teachers for five years, mainly because of their loyalty to the children.

On a recent morning, as one teacher baked chocolate-chip cookies with flour-blotched 3- and 4-year-olds, Alling acknowledged that they all desperately needed higher wages.

But ''then you have families literally handing you their entire paycheck,'' she said, ''and where does it come from?''

Mary O'Mara, the mother who sometimes makes ends meet by paying late fees on her mortgage, said politicians who look past this issue must live in a different world than hers. She wishes she could show them what she showed her mother, who used to tell her to relax and stay home with her children.

''I sat her down with a calculator, and I gave her a month's worth of bills—food, mortgage, child care, gasoline,'' O'Mara said. ''There was almost nothing left, and that's with two middle-class incomes.

''She looked at me like she didn't believe it. She said, 'I didn't realize how tough it was out there.' ''

Mr. WELLSTONE. Mr. President, instead of the repeal of the inheritance tax going to the wealthiest 2 percent, we could provide some tax credit assistance for working families so they could better afford child care for their children. Why can't we do that?

The evidence is irrefutable. The evidence is irreducible. These are the critically important years. Families in our States tell us how important this is. What are we doing moving forward on repealing an inheritance tax for the wealthiest 2 percent of Americans, not targeting it to family farmers and

small businesses but across the board, instead of using some of this money—$100 billion over the first 10 years, but $750 billion over the second 10 years—to make sure families in our country can afford good child care for their children?

By the way, even when I talk about tax credits invested in affordable child care, it breaks my heart because this will not even be near enough. The truth is, we have to get serious about good developmental child care, and that means men and women who work in this field should not make $8 an hour or $6 an hour with no benefits at all, but we should value the work of adults who work with children; that we not continue to pay men and women who work in child care centers half of what we pay men and women who work in zoos taking care of animals.

As a Senator from Minnesota, I am absolutely confident that I am reflecting the priorities of Minnesotans when I say repeal of this estate tax, now crafted in such a way that it goes to the wealthiest 2 percent of Americans, is hardly a priority for people in Minnesota or people in the country. I would prefer to see us make the investment in child care. I intend to offer an amendment that deals with additional tax credits which will provide help for working families.

I will not use statistics, but every Senator, Democratic and Republican, knows intuitively that in today's economy, one of the most important indicators of whether or not a young person—or not such young person, since many of our students are no longer 18 and 19 living in a dorm but they are 40 and 50 years of age going back to school—can succeed is whether or not they are able to complete higher education. Yet we have this huge gap between the number of young people, or not such young people, from low- and moderate-income backgrounds who are able to complete college versus those who come from upper-income or upper-middle-income families, and it is because of the cost of higher education.

We have not fully funded the Pell Grant Program where we get the most bang for the buck, and when we passed the Hope Scholarship Program and said there would be a $1,500 tax credit for students to afford the first 2 years of school, it was not a refundable tax credit. So for a lot of the students in the community colleges in Minnesota, if they come from families with incomes under $30,000 a year, $28,000 a year, they do not get any benefit because it is not a refundable tax credit.

What could we be doing instead of moving forward on an agenda that repeals this inheritance tax that benefits the wealthiest 2 percent of the population? What we could do instead is provide refundable tax credits for our students so they can afford to go on to colleges and universities and do better for themselves and do better for their children. I say better for their children because, again, I have reached the conclusion, having spent a lot of time on campuses in Minnesota, that the nontraditional students have become the traditional students, and probably the majority of our students are now in their thirties and forties with children going back to school so they can do better for their kids.

Are we committed to education? Here is where we could be a player. Instead of repeal of this estate tax that the majority party wants us to move forward on, why are we not talking about a commitment to education? Why are we not, as Senators, making a difference where we can make a difference?

Yes, we can make a difference in kindergarten through 12th grade, but we can make a huge difference, it is our role to make a difference prekindergarten: to make a commitment to affordable child care so children coming into kindergarten are ready to learn; to make sure every child has an opportunity to do well; to make sure our students can go on and afford higher education so they can do better by themselves.

Why are we not making this commitment to education? What are we doing out here, trying to move forward this piece of legislation that is going to cost $100 billion over the first decade and then up to $750 billion over the next decade, with all of this money and all of these benefits flowing, roughly speaking, to the wealthiest 2 percent of the population? I have a bill, as does BARNEY FRANK in the House of Representatives, that basically says: What we can do is agree that we are talking about, by definition, very wealthy Americans; that we are trying to repeal this inheritance tax. We are saying—and I quote Barney Frank—''If you're old, rich, and dead, we're with you. If you're old, sick, and middle class, you're out of luck.'' I do not know that I would put it quite that way, but basically we could take this $750 billion over the second 10 years, $100 billion over the first 10 years, and finance prescription drug benefits so seniors will be able to afford prescription drugs.

I come from a State where fully 65 percent of senior citizens have no prescription drug coverage at all. All of us can talk about people who are spending up to $300, $400, $500 a month to cover prescription drug costs, and maybe their total monthly budget right now, based upon what benefits they have, is $1,000 or $1,200. We can talk about people who cut pills in half, though that is dangerous. We can talk about people who are faced with the choice: Can I afford prescription drugs or can I afford to eat but not both?

What in the world are we doing trying to proceed on a piece of legislation which is not at all targeted, which provides huge benefits, which basically busts our budget and robs our ability to invest in other decisive areas that are so important to people in our States and provides the benefits to the wealthiest 2 percent?

This debate is really a debate about our priorities and, and I will draw a bit from the Center on Budget and Policy Priorities: In 1997, the estates of fewer than 43,000 people—fewer than 1.9 percent of the 2.3 million people who died that year—had to pay any estate tax. That is 1.9 percent, roughly speaking, among the wealthiest 2 percent in the United States of America. It is going to cost us $100 billion over the first 10 years, and it is going to cost us $750 billion over the next 10 years.

You know what. If we had an unlimited amount of money, and we did not have other needs—such as affordable child care, making sure we have health security for families, making sure people have a pension, making sure young people and not so young people can go on and afford higher education, and making sure families can do well by their kids so they can do well by their country—I might be all for it.

But what about these other decisive needs? Don't they come first?

Mrs. BOXER. Will the Senator yield for a question?

Mr. WELLSTONE. I would be pleased to yield.

Mrs. BOXER. One of our colleagues was saying he was visited by an extremely successful gentleman who was worth in the hundreds of millions of dollars, perhaps as much as $1 billion. The gentleman was discussing with this particular Senator this repeal of the estate tax for the wealthiest in our Nation, for the billionaires, if you will, for the most wealthy among us. This very wealthy person was making the point that he was not for this repeal for the very wealthy.

He said we could fix it for some of the family farmers, the small businesses, with which, by the way, Democrats on the whole have agreed. But he said: Do you know how I made my money? A lot of people have worked for me. He said: Those people have worked really hard for me. They didn't grow up to be millionaires. They got up every day, and they worked for my business. He said, in a sense, if his children had to pay some of the inheritance back, and we took the funds here and put them into education and job training and health care and prescription drugs, he would feel pretty good about it.

Now, granted, this is a type of a person you do not run into that often. Most people are not that selfless. But I think that gentleman really put it out there for us to contemplate.

This is the greatest nation in the world. With a good idea, people can come up from poverty and they can make it to the top. Their heirs perhaps may not be that hard working, but maybe they are. But the fact is, this gentleman has focused on this, to say to this great country: I want to see it continue to be great. There is a notion about that, that this gentleman, I believe, has focused upon.

I offer that up to my friend because he points out how much work we have to do for ordinary people who get up

and face problems every day. It seems to me to be a very small price to pay, for very few people at the very top who have, in a sense, made it mostly because of these hard-working people, that their estates give back a little bit to this great country to defend itself, to be able to afford to educate its young, et cetera. I want my friend to just comment on that.

Mr. WELLSTONE. Mr. President, I thank the Senator from California. I actually would like to comment on her point in two ways.

First of all, let me point out, right now the total exemption for most estates that include a family-owned business is $1.3 million in 2000. That is what it has gone up to. A couple can exempt up to $2.6 million of an estate that includes a family-owned business or farm.

I would have no problem further targeting that. I do not think my colleague from California would, either. But the proposal out on the floor by the Republican majority—a sort of across-the-board repeal that amounts to $850 billion of lost revenue over the next 20 years—has to be considered alongside what we are about as a nation, what we are about as a people. I think the Senator from California speaks to the whole question of community.

My definition of community is that we all do better when we all do better. The interesting thing is that many people in Minnesota who are economically very successful—I do not know if they are the wealthiest 2 percent; I can think of some for whom I think I can speak who would say: Look, in all due respect, in terms of the scheme of your priorities, my gosh, get it right first for children. Get it right by way of helping families and helping children. Get it right by investing in education.

We now have 44 million people with no health insurance whatsoever. We have probably twice that number who are underinsured. We have senior citizens for which Medicare does not pay for prescription drug benefits in many of our States, or cover very little of it, who are faced with those expenses. We have a lot of elderly people—we do not talk about this much—who are terrified that they are going to have to go to the poorhouse before anybody will help them with catastrophic expenses, if, God forbid, they can't live at home.

Right now—my colleague from Wisconsin knows this well; this has been one of his priorities—we have not put anywhere near the resources we should put into assisted living so people can stay at home and live as near a normal circumstance as possible. That is a big family issue.

Let's think about this for a moment. From little children—under 4 feet tall, who are beautiful, all of them—to people who are elderly and are having a hard time paying their health care bills, and especially at the very end of their lives, who are frail and are wondering can they stay at home and live with dignity and wondering who will help them, or if, God forbid, they have to be in a nursing home because of Alzheimer's disease or whatever the case may be, that across the board we have not made the investment.

There is a lot we need to do as a nation. These are important priorities, not only for our country, not only for California or Minnesota. That isn't the right way to say it. These are important family values. I say to Senator BOXER from California, what I am asking is: Where are our priorities that focus on family values?

To me, it is a family value to come out and talk about tax credits or a direct investment of money to make sure child care is affordable. It is a family value to make sure people, at the end of their lives, or toward the end of their lives, who have worked hard and have built this country, should not have to be in terror that there won't be anybody to help them stay at home, or, if they are in a nursing home, nobody to help them with their expenses.

The United States of America—I love this country—is the only country where you have to go to the poorhouse before you are eligible for any help—Medicaid, Medicare assistance. Clearly, as a nation, in terms of our own priorities, we are going to have to start valuing the work of adults who work with children. We are going to have to start valuing the work of adults who work with elderly people. We pay them $6 or $7 or $8 an hour, with no health care benefits. This cannot be done on the cheap.

We have all these challenges. We are talking about $100 billion the first 10 years, and then the second 10 years, $750 billion. That is what this costs to provide a blank check benefit to the wealthiest 2 percent of the population.

We have all these challenges before us in terms of Medicare, in terms of Social Security, in terms of making sure there is health security for families, in terms of making sure we get it right for our kids. They are the ones who we are going to be asking a lot of by the year 2020.

In the words of Rabbi Hillel: If not now, when? If we can't invest in our children now, when will we? If we can't invest in the health and the skills and the intellect of our children now, when will we ever do that?

So I say to my colleagues, I just mention one amendment which I hope to be able to bring to the floor on this bill, which will talk about rather than all of these benefits just going to the wealthiest 2 percent, how about an additional refundable tax credit to help families afford child care expenses?

I say to my colleague from California, and other colleagues as well, I am for patient protection, I am for passing legislation that provides not only patient protection but provides caregivers protection. Demoralized caregivers are not good caregivers. I think doctors and nurses ought to be in the kind of position to practice medicine the way they thought they could when they were in nursing or medical school.

But the other issue is all the people who fall between the cracks who have no health security. I am amazed that universal health care coverage is not back on the table. I do not believe for a moment that the United States of America, the wealthiest country in the world, with a booming economy, and record surpluses at the moment, cannot provide health security for American citizens, for families in this country.

You can't have it all ways. If my Republican colleagues want to come out and say their priority is to provide a great tax benefit for the wealthiest 2 percent of the population, which is going to cost us $850 billion over the next 20 years, then not only are we not going to be able to do right by Medicare, not only are we not going to be able to provide prescription drug costs, but we are not even going to begin to be able to talk about how we reach the goal of health security for every American citizen, for all the families in this country.

What are our priorities? Instead of moving forward on this piece of legislation, we ought to be focusing on health security for American citizens. Not that we need to look to the polls to give us guidance, but not surprisingly, along with education, health security for families and citizens, emerge as top issues.

I will mention two other issues in terms of what we could be doing and what we should be doing, instead of repealing the estate tax blanket repeal, across the board, benefits going to the wealthiest 2 percent of the population. I think I speak for every Senator, Democrat and Republican, on this one. In 1997, we passed what was called the Balanced Budget Act. Some people voted for it; some people voted against it. I am glad I voted against it. Different people vote different ways. If it wasn't then, it is crystal clear now that what we have done to the Medicare reimbursement by so dramatically cutting it has had a catastrophic effect on our hospitals and on our nursing homes, especially in our rural communities.

I attended a recent gathering at White Hospital in Hoyt Lakes, up on the Iron Range. Hospitals in a State such as Minnesota, where we don't have the fat in the system, do not make excessive profits at all. They are going to go under. We are going to have more and more hospital closings. These hospitals are community institutions. These hospitals are important to communities, not only because rural America doesn't do well; when people are trying to decide if they want to live in a rural community, they want to know whether they can afford to live in the community: will there be a job at a decent wage? Can they afford to farm? Are they going to get a decent price?

The second thing they want to know is whether they want to live in a rural

community. If they don't have good health care and good education, they are not going to do it.

Last year, we said we fixed this problem. We restored about 10 percent of the cuts. Again, I am not now talking about universal health care coverage, although I believe our country must embrace this idea. I will introduce a bill next week, working with the Service Employees International Union. It is a decentralized health insurance program. I like it a lot. I want to get it back on the agenda. I think it is important that we have a constituency to fight for it in the country.

I am not even talking about prescription drug benefits. I am not even talking about major reform. I am saying, I don't know how in the world we go forward with this kind of across-the-board blanket repeal with the benefits going to the wealthiest 2 percent of the population when we aren't even getting it right in terms of getting the reimbursement that our health care providers actually deserve back in our States.

I will mention one other issue. Senator FEINGOLD is here on the floor, along with Senator BOXER, Senator REID, and Senator BURNS. Instead of going forward with this tax scheme, why aren't we dealing with a core issue: reform. Why aren't we debating campaign finance reform? There is probably a pretty strong correlation. Some of the programs I have talked about and some of the values I have talked about, the people who would most benefit are not the heavy hitters, not the givers. They are not the investors and big contributors. Clearly, the wealthiest 2 percent of the population are among the ranks of the biggest givers, although there is not a one-to-one correlation. Clearly, at the very top, many people I know in Minnesota and I think around the country think we ought to get our priorities straight. We ought to start with some of the priorities I have talked about.

Why aren't we dealing with reform? When are we going to get to dealing with the ways in which money has come to dominate politics? There is the McCain-Feingold bill. There is the clean money/clean election efforts in different States. I have introduced that legislation. One of the things I would like to do is to at least change three words of the Federal election code which would enable States, if they want to, to apply clean money/clean election to Federal races. If the State of Wisconsin or Minnesota said it would like to apply this to State legislative races but also to Federal races, it ought to be able to do that.

Whatever your own preference, I think people in our country are begging us to move forward on a reform agenda and to give them a political process in which they can believe. I think citizens in our country are yearning for politicians they can believe. They are yearning for a Senate and House of Representatives in which they can believe. They are yearning for a political process in which they can participate. Right now there is so much disillusionment and disengagement, it should worry all of us who believe in public service. I can't think of anything we could do that would be more important than to pass significant, substantive campaign finance reform, instead of a tax scheme in its present form providing the benefits to the wealthiest 2 percent.

Couldn't we be talking about campaign finance reform? Couldn't we be talking about renewing democracy in America? Couldn't we be talking about how to restore confidence in the Government and the political process? Couldn't we be talking about renewing our national vow of equal opportunity for every child and affordable child care? Couldn't we be talking about how to help families do well by their kids so they can do well by our country and could do well by our States? Couldn't we be talking about how to help men and women who want to go on to higher education afford higher education? Couldn't we be talking about making sure elderly people can afford prescription drugs? Couldn't we be talking about how to have more health security for people in our country? So many citizens fall in between the cracks; so many citizens feel so insecure. Couldn't we be talking about all of that and more with a booming economy and record surpluses? Couldn't we now get some resources back in the communities so our families could do better, so our children could do better, so that we all would be doing better because we all would be doing better, which is what a community is about? I think we could. That is where we ought to be focusing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Montana.

Mr. REID. Will the Senator from Montana yield for a unanimous consent request?

Mr. BURNS. I will yield.

Mr. REID. Mr. President, I have been advised by the two managers of the Interior appropriations bill—and this has been approved by the two leaders—that we would ask all Members to notify their respective Cloakrooms and/or Senator BYRD or Senator GORTON that by 6 o'clock tonight they should get all their amendments to either the Cloakroom or to the two leaders. It will be a finite list of amendments. Then the two leaders, the two managers of the bill can work through that and at some time have the actual amendments in their hands. I ask unanimous consent that that be the case.

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

The Senator from Montana.

Mr. BURNS. Mr. President, I listened with great interest to my friend from Minnesota on this issue. I am not really sure if he was talking about families or not. The standard of living that this country enjoys has to be attributed in part to parents, moms and dads, grandmas and grandpas, and their ability to pass on some of their wealth to the next generation.

We all work hard for our kids. I don't know of a parent who doesn't work for their kids in this country. While we were doing that, we elevated the standard of living and the wealth of this country for more people than any other society on the face of the planet.

I didn't come from very wealthy folks.

My dad was a small farmer in Missouri with 160 acres, two rocks, and one dirt. But last year, I lost one of my elderly aunts, a sister to my father. In her estate, I inherited only one thing in the will—a 1991 Lincoln Town Car. I have never owned a Lincoln in my life. But you know what happened to that old car? It was sold in the estate sale to pay for the taxes. I was mad. Well, I am not saying we are doing badly now; what I am saying is, forget about the top 2 percent that the other side talks about because they don't pay estate taxes, folks. They have CPAs and lawyers. They can set aside trusts and do a lot of things to guard their fortunes and pass it on to the next generation of the family. It is the middle who gets hit. It is the man and wife who started off as a young couple and built a business. They pass on, the Government taxes it again after it has been taxed all of those years.

So how much do you want these folks to give? We could have been talking about a lot of things today. We could have already had an H–1B visa bill, which is being blocked by the other side. They didn't like a lockbox for Social Security. They didn't like education reform, so they blocked that too.

Now we are talking about a simple estate tax. To give you an idea, I have some good friends who live up in the middle part of Montana, and they are not wealthy, either. But this is who gets hurt. This is real stuff, not pie in the sky. This is not philosophical. This is plain old middle America.

These folks lost their father and were given, starting in 1991, estate taxes of $4,584.81. Then they started making regular payments. In 1992, $13,000; in 1993, $15,000; in 1994, $14,000; in 1995, $14,000; in 1996, $16,000; in 1997, $15,000; in 1998, $12,000; in 1999, $12,000, and they have another payment coming up this December. They have been paying on this for their father who has been dead for 13 years. These aren't wealthy people. I know them personally. That is who this falls on. The top 2 percent? That is a myth and everyone should know it.

Some folks in Polson, MT, have a series of small theaters. They are in little bitty towns in Montana. They are scared to death of this thing. They are getting to the age now where they are starting to worry. They have to set up some ways to shield themselves, but they are finding out that being that small, they can't. That is what we are talking about.

I ask unanimous consent that a letter sent to me, dated July 10, 2000, be printed in the RECORD.

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

JULY 10, 2000.

DEAR SENATOR BURNS: Please eliminate the estate tax. My husband and I and our children have worked for thirty years to build a stable family business which provides us with a modest living. We expected to pass it on to our grown children who are working with us, but upon our death they will be forced to sell pay the estate tax.

We own movie theaters in seven small towns in Montana and one is in Idaho, populations ranging from 2,500 to 10,000. We purchased the first one in 1971 a few months before our youngest daughter was born and the last theater was in 1992. It has been a family business, our daughters grew-up in the theater business, earning their first money selling popcorn. Now our oldest daughter and her husband are working full time as film booker and general manager. We would like to leave this operating business to our children, but it will not be possible if they must pay an estate tax on the appraised value of the business and buildings it has taken us years to accumulate and renovate.

The income of our business could not support the extra expense of the estate tax. The theater business is similar to other small business and farms where the value of the land, buildings, and equipment does not equate with the small profit derived from it. A huge tax on the value of the business is an extra expense the business can not pay. Therefore, upon our death, the theaters must be sold to pay the taxes.

When this business, our family has built, is sold it will leave our son-in-law and daughter with no means of support after devoting half their life to the company. They will be forced to start over at middle age. Yes, they will have some money, the amount remaining after taxes, real-estate, accountants, and lawyers fees, but certainly not enough to support them through old age. if the operation is not disrupted they can continue to be a stable tax payer and employer. I would also expect they would continue to provide quality movie theaters and possibly add more theaters in other small towns.

Please, this family has worked thirty years to build a profitable stable business we expected to continue into the next generations, please eliminate the Estate Tax.

Sincerely,

AYRON PICKERILL.

Should we be talking about this? Yes. Should we be talking about an energy spike? Yes. I have a situation in Montana where I have one concentrator that concentrates copper ore. They were shut down because of an electricity spike because of a policy of not allowing construction or the ability to generate more electricity. Maybe we better start talking about that. Yet some would embrace a policy to tear down the hydrodams on the Snake River and the Columbia River. Maybe we should start talking about that because that is going to throw a lot of moms and dads out of work. A lot of grandmas and grandpas aren't going to like that, either.

Who it hits is the small farmer. I can look around this body and I see my good friend from Wisconsin, where there are small farms over there; most of them are in the dairy business. They feed a few cattle, and they have hogs and a few sheep. They will find it very difficult to pass that along to their next of kin without paying a big tax. Why? Because during all this time we have been told of this great economic boom—and it has been on paper—rural America has not participated. Prices on the farm have not been that frisky, and they are not this year, either. What happens is that you are land rich and cash poor. Should something happen to the principal on that farm, it will probably sell at the steps. They will have to give it up to pay the estate taxes because, as land has gone up in value, just because of the demand for the land, not for what it will produce, it will have to sell.

If you want open areas and you want to protect the environment, do away with this estate tax and allow the open areas of America to stay open areas of America. As I have stated before, the truly wealthy do not pay that tax because they have CPAs and lawyers. They have an army of folks. They make sure they won't ever have to pay this tax. So it falls on the middle.

Large estates are still subject to capital gains. The other side won't talk about capital gains reform. Nonetheless, the large estates is where capital gains fall. Study after study shows that this tax imposes significant costs on the economy in terms of lower economic growth and less job creation. We are hurting enough in Montana.

We have to get our agriculture out of the doldrums. We have to be able to build an estate with a future, with the ability to give it to the next generation, letting it grow again, because we are a small business in Montana. I guess I am worrying about the folks who are on the land because I have participated in some of those sales. I am an auctioneer and proud of it. I never had the handle of being a lawyer—only an old cowboy who sputters numbers pretty well. I have sold out those folks and I know what they feel like. In fact, I sold out one, and when the sale was over and the settlement was all done, I gave them back my commission because, had I not done that, they would not have had anything.

If you want to do something for the children of this country, you ought to do something for education. If you want to do something about the quality of life in your sundown years, then allow estates to grow and allow them to be passed on to the next generation. We all work for our kids. That is what we are talking about. We are talking about a value we have had in this country since its inception. That is why we have grown. That is why we have more people who enjoy the good life in this society than in any other society.

That is what it is all about. We have a way in times of surplus of building even more wealth in your hometown rather than the wealth in Washington, DC. That wealth is in a bureaucracy that produces nothing. Let communities build. Don't jerk that money out of those communities. Let it grow. Let it grow at home. Let's pass this bill.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I believe under a previous order I will be next to speak.

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Thank you very much.

Mr. President, I hope people have been listening to this debate today because, frankly, I think it has been an important one so far. There are many people who are students of politics, and sometimes they get lost in what one party stands for versus what another party stands for. I think when you listen to these debates on the floor, many times you won't get the differences. But I think today you will get the differences between the parties. I think that is important. Regardless of what side you agree with, I think you need to know where people stand.

One of the absolute rights of the majority in the Senate—regardless of whether it is Republicans in charge, which is what we have now, or the Democrats, which we had when I first arrived here—is that the leaders have the very strong ability to set the agenda. That is one of the good things you get when you are in the leadership. You get to decide what you want to come to the floor. You get to take a look at the array of issues with which we deal, whether it is education or the environment or whether it is our children or our elderly or prescription drug benefits or Patients' Bill of Rights or pro-business legislation—whatever it is that you believe are the most important things. You get to decide which one of those things should come before the Senate.

As our majority leader has said many times, we are pressed for time. We have very few days remaining in this legislative agenda. We are in an election year. In many ways that limits our ability because of the press of time and the need to go to conventions, et cetera.

I think what this majority chooses to bring before us says a lot about who they are, whose side they are on, and in what they believe. The way my side of the aisle—the Democratic side of the aisle—responds to that agenda says a lot about who we are, whose side we are on, what we believe in, and for what we are going to fight. Today is a perfect day to draw the contrast.

Senator LOTT has chosen to put before us a repeal of the estate tax. I think you need to look at what that really means. What does it cost us in hard, cold dollars to repeal the estate tax? The answer is almost $1 trillion over 20 years.

Who in our society benefits from this repeal? What else could we do with that money if we decided to put this particular issue perhaps a little bit lower down on the priority list?

Once you look at all of these questions, I believe you will get a clear distinction of where the Democratic

Party is and where the Republican Party is. I think that is good. You may come out supporting the Democratic Party, thinking they are on your side, or you may come out supporting the Republican Party and say they are on your side. That is what politics is all about. That is what debating is all about. But most important to me is that there are these defining differences and there is one of those defining differences.

Senator BURNS spoke about how repealing the estate tax is going to help ordinary Americans, and how important it is to help ordinary Americans.

I say to him that if he looks at the estate tax today, there are some inequities we can fix, and that we should fix that deal with family farms and smaller businesses and individuals. But to repeal the entire estate tax is helping those at the very top of the ladder. When I say top of the ladder, I mean those earning hundreds of millions of dollars and whose estates are worth hundreds of millions of dollars—perhaps into the billions of dollars.

If that is considered helping the ordinary person, then I guess I don't get it because when I travel around my State, the ordinary people and the average person are working really hard every day. Do you know what they are bringing home? They are bringing home $30,000 a year, $40,000 a year. And in California where we have to earn more, we have couples working. If they really do well, they may bring in $60,000, $70,000, or $80,000 a year. They are struggling at that range to buy a home. They are struggling at that range to find child care that is affordable and that is quality. They are struggling to help their parents meet their medical bills, yes, their pharmaceutical costs or perhaps long-term care or college tuition. They are struggling.

I say to my friends on the other side of the aisle that to couch this repeal of the estate tax as helping the average person is terribly misleading. Let me tell you why.

Right now, we have an estate tax that essentially says to a couple: You are exempted if you are worth up to about $1 million. It is exactly $1.2 million. You are exempt. There is an argument to be made that is not high enough given the value of housing, and so on. I can see why that ought to be raised.

The Democrats have an alternative. We raise it to $4 million for a couple so that in the future, children of couples who leave an estate of $4 million would have to pay nothing but only under $4 million. Do you know how many estates? That is a very small number of estates. Probably a percent and a half or so.

We say to farmers and small businesses: Yes, we understand the problem. We are going to increase the exemption for you from $2.6 million for a couple to $8 million per couple by 2010. So we are saying that to the small farmer and the businesspeople who for $8 million or less there is no estate taxes. Yes, it is going to cost something for our proposal, if we were offering it, because right now we haven't even gotten an agreement from the majority that we can offer our alternative. But it would cost $61 billion over 10 years compared to $105 billion over 10 years on the Republican side. It would cost over the next 10 years $300 billion compared to $750 billion.

The interesting thing is in our plan we essentially exempt almost everybody, except the very tiptop of the wealth scale. Yes, the Donald Trumps, the Leona Helmsleys, the Bill Gates of the world, who did so well in this the greatest country of all. Yes, their heirs may have to pay something to help the people who want the same chance they had. Because what do we do with the estate tax? It goes into defending our country. It goes into educating our people. It goes into health research to find a cure for Alzheimer's. The people at the very top of the ladder who I talk to say: You know, BARBARA, you have a lot of work to do. One of them isn't worrying about me. I am good. I am OK. My heirs can pay a little bit. It is OK.

But what do the Republicans do? They want to repeal the estate tax—not just for the small family farms, as we want to, and the small businesses and make sure that if they are worth $8 million they don't have to pay anything. They want to protect the people who are worth $10 million, $12 million, 20, 30, 40, 50, 60, 70, 80, 100, 200. Do I hear more? Yes, I do because there is no top. If you are worth $1 billion, your estate doesn't have to pay anything under their proposal.

To stand here and say that is protecting ordinary people—the average American—is just not true. I would prefer, if this was an honest statement, to say that we are going to help the richest people in this country because that is what they are doing. That is what they are doing.

This is an honest statement: Helping the richest people in this country who are worth $1 billion, $2 billion. You name it; there is no cap. To do that, it will cost $850 billion over the next 20 years.

We can fix the problem with the estate tax for less than half of that, and we can do some wonderful things with the rest of the funds that we save. What can we do? Why don't we look at the Tax Code. Why don't we understand that people who send kids to college have a very big expense. They could use a little help with a tax deduction or a tax credit.

I held a hearing on the crisis in quality child care. In California today—and I assume it is similar in Nevada—for every five kids who need quality child care, only one can get a slot. It is so expensive that people are saying they have to choose between paying their mortgage late and being assessed a late fee and paying child care.

Mr. REID. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. REID. I was in San Francisco recently and saw a headline in the newspaper that in San Francisco, nannies—people who take care of kids—are being paid an average of $60,000 a year.

Mrs. BOXER. It is out of control.

Mr. REID. What does that do to people who work for $30,000 a year who have a child or children? It makes it impossible.

Mrs. BOXER. We had testimony from parents and teachers who said sometimes parents are dropping their kids off at places where one would not want to drop a pet off, let alone a child.

Mr. REID. If the Senator will yield for another question, the Senator from California has led the Congress in afterschool programs. We need more money for afterschool programs. Some people have no money for the 2 or 3 hours after their child gets out of school and they get home. So we have latchkey kids, kids running in gangs.

Is that where it goes bad?

Mrs. BOXER. The Senator is absolutely correct. My friend is right. We tried so desperately in this Senate to simply get the funding for afterschool care up to the President's level. We failed.

Where were my friends who say they are fighting to repeal the estate tax, to help ordinary people? Where were they when I had a chance to take another million kids off the waiting list and put them into afterschool care so they wouldn't join gangs? They could not find the funds for that.

That is why I think this debate we are having today, I say to my assistant Democratic leader, is so important. It is all about priorities. The other side gets the chance to set the agenda. They overlook the people who need child care. They overlook the people who need afterschool. They do not want to do school construction. They do not want smaller class sizes. They do not want a real Patients' Bill of Rights. They do not want a guaranteed prescription drug benefit. Any don't even look at other tax breaks that are going to help people who send their kids to college with a tuition tax break.

They come out here, with their hearts full, and fight for the wealthiest people in this country. It is a fact.

Mr. REID. If the Senator will yield for another question, does the Senator recall how much money she was begging for on the elementary and secondary education bill, as well as on other occasions for afterschool programs? Remember how little that was?

Mrs. BOXER. Initially, it was little. Now we are simply asking for the President's level, which would be a couple hundred million dollars. I say to my friend, it is a lot less than this bill loses over the 20-year period.

Mr. REID. I further say to the Senator, as I understand it, in the second 10 years of this bill, we are talking not about millions; we are talking about billions. We are talking $750 billion.

The Senator is saying if we had the Cadillac of afterschool programs, it would cost $200 million?

Mrs. BOXER. If we had another $200 million, that would help reduce this waiting list. We were not able to get any increase whatever out of this particular Congress this year.

Mr. REID. I say to my friend, for each child who is kept from graduating from school, does the Senator recognize the cost on our society when that child drops out of school?

Mr. President, 3,000 children drop out of school each day. It costs our society untold suffering. That child unable to graduate from high school is less than they could be. It adds to the cost of the criminal justice system. It adds to the cost of the welfare system. It adds to the cost ultimately of the education system. Is the Senator also aware that 84 percent of the people who are in prisons in America today have no high school education?

Mrs. BOXER. I was not aware it was 84 percent, but my friend has been a leader on the whole issue of dropouts. His point is well taken.

We are looking at $850 billion over the next 20 years, just on this tax break, and they have others they will come up with, that are not capped, also, that will give to the top people. Yet they don't want to spend money on what will really make our society strong.

The point the Senator makes is so correct because I remember in the days I was in the House with the Senator, tracking the costs of a high school dropout to society every year. It was hundreds of millions of dollars in the course of their lifetime.

The Senator is exactly right, if we are talking about crime, if we are talking about drug abuse, if we are talking about alcohol abuse, if we are talking about people who are not productive, who cannot hold down jobs, who feel undervalued because they don't have a high school education. These are the competing priorities.

It amazes me how our friends can come with so much passion for the Donald Trumps, for the Leona Helmsleys, for the people who make all this money, and not have even a speck of compassion, it seems to me, for ordinary people.

Mr. REID. Will the Senator yield?

Mrs. BOXER. I am happy to yield to the Senator.

Mr. REID. The Senator recognizes that the minority, the Democrats, recognize this, and we want to increase the size of the estates that are not subject to the inheritance tax.

Mrs. BOXER. That is correct.

Mr. REID. It would increase the general exemption from $1.35 million per couple to $2 million per couple in 2 years, by the year 2002; and $4 million per couple by the year 2010.

Mrs. BOXER. I spoke about that.

Mr. REID. Is the Senator aware this makes just a few estates every year even subject to the tax?

Mrs. BOXER. Exactly. We move also on the exemption for farms and small businesses, and we go up to $8 million per couple by 2010 on that ladder, as well.

We are only talking about extremely large estates and a tiny percentage of people in this country. It is in the hundreds, really, who will wind up paying any type of estate tax—only those who have made it so big that, yes, maybe they can just give back a little bit to this country to pay for the defense of this country.

Mr. REID. As I understand the Senator, the Senator is saying the minority wants to raise the exemption of the estate tax. We want to, in effect, exclude most every small business and small farm in America from the estate tax.

Mrs. BOXER. That is correct.

Mr. REID. In addition to that, we are saying the really rich in this country, rather than give them a tax break, we should look at giving a tuition tax credit for people who want to send their children to college.

Mrs. BOXER. Exactly.

Mr. REID. We believe there should be some slack cut for child care programs that we have discussed on the Senate floor. And it would not be a bad idea to do something with afterschool programs and a number of other areas that help the working men and women of this country, and not the super rich—and I mean super rich. We are talking about a tax for not a millionaire, not a multimillionaire tax, but we are looking at maybe a billionaire tax.

Mrs. BOXER. That is what we are essentially saying. We really are saying that. That is why I say the question, whose side are you on, is very relevant to this debate.

We recognize the fact there has been inflation. We need to take another look at this estate tax. We are willing to make sure we help our family farmers. We want to help our small businesses. We want to help our individuals so their kids do not find themselves in a bind when they inherit the wealth from their families. We are willing to do that. We know President Clinton is willing to sign such a bill. We know he is going to veto the Republican version because he believes it is unfair to the middle class. He believes it is unfair.

What we are saying is we can take care of the problem and help those who have kids in college or who have kids in day care. We can give a prescription drug benefit that is guaranteed through Medicare to our seniors. We can do all these things and still have enough to do some debt reduction and a little bit for afterschool programs. That is how expensive this repeal is.

Mr. REID. Under the Senator's time, will she yield for another question?

Mrs. BOXER. Yes, I will be happy to yield.

Mr. REID. The Senator represents by far the largest populated State in the country, 33, 34 million people.

Mrs. BOXER. That is right.

Mr. REID. Its neighbor, the State of Nevada, the State I represent, has approximately 2 million people. The State of Nevada, under the old formula, does the Senator understand, has only 308 taxable estates?

Mrs. BOXER. Yes, 308.

Mr. REID. Mr. President, 308.

The other thing I ask the Senator is every State—I should not say every State because I am not certain it is true but I believe it is true—every State in the Union has an inheritance tax; if not every State, virtually every State. The State of Nevada 10 years ago passed its own inheritance tax.

Does the Senator realize there is an offset; that is, of the Federal tax that is collected, if a State has an inheritance tax of its own, it comes out first and goes to the State of Nevada or the State of California, for example, rather than the Federal Government?

Mrs. BOXER. Yes, 25 percent of the tax, as I understand it, goes back to our States.

Mr. REID. I ask the Senator if she knows, as I said, a portion of the estate tax goes to the States via estate tax credits as a revenuesharing provision with the States? In Nevada, 100 percent of the amount received through this estate tax credit is used for education, 50 percent is used for State university support, and 50 percent is used for elementary and secondary education. I ask my friend: Is it more important that we continue that, paid by only a fraction of the people in this country? In Nevada, instead of 308, under the new formula, it would be probably less than 100 estates, maybe closer to 70 estates.

The question is, Isn't it better we have—and I do not mean to denigrate him because he has done good things for the country; Bill Gates is worth $70 billion. If some misfortune overtook Bill Gates, shouldn't that huge estate pay some amount of money for education to the people of the State of Washington?

Mrs. BOXER. I answer that question in this way: I was discussing with another Senator a conversation he had with a very wealthy man who had made hundreds of millions, perhaps billions, of dollars, in the course of his lifetime in this country. Maybe this person is unusually kind and good hearted.

This person was saying to him: This great country made it possible for me to have this kind of accumulation of wealth, which is far beyond what any of my heirs need to have.

He can take care of his heirs for generations to come.

He said: But I have to admit that I earned all this money because a lot of folks worked for me, and those people got up every day. They did not become millionaires, but they did fine, and I want to make sure that, yes, I can help their kids.

That is what happens with an estate tax. How do we spend it? We defend the country for those kids. We help with

education. We help with health research. We may find the cure for Alzheimer's for one of Bill Gates' future generations because of the funds we are able to put into health research.

Our friends on the other side of the aisle, in the name of helping ordinary people, are ignoring the fact that the Democratic alternative—which at this point we do not have permission to offer but I am very hopeful we will get that chance; it would be wonderful; they can support our alternative. They can ease the burden on the small family farms. They can ease the burden on the small businesses. They can ease the burden on couples who have accumulated wealth through, say, buying a house, for example, which went up greatly in value, such as they have in California. I do not want those kids to have to sell the home. That is why I am supporting the Democratic alternative.

We have an excellent alternative that costs less than half of what theirs does and allows us to help people pay for college. It will help grandmas and grandpas get prescription drugs. If our friends on the other side of the aisle really want a bill to become law, they should join hands with us because President Clinton said he will sign that bill. He will not sign the bill that he believes is helping people who are worth billions of dollars.

Mr. REID. Will the Senator yield for another question?

Mrs. BOXER. I will be happy to yield.

Mr. REID. Even in Silicon Valley, where there has been tremendous success and which has been the driving force of the high-tech industry, with the expensive homes, the Democratic version would help people there, wouldn't it?

Mrs. BOXER. I believe so.

Mr. REID. Of course it would, I say to my friend, because even though the estates there are bigger than a lot of places, we are talking about raising this to millions of dollars.

Mrs. BOXER. Exactly.

Mr. REID. Four million dollars.

Mrs. BOXER. All the people who need the help will be helped under the Democratic alternative.

Mr. REID. I say to my friend, even the very rich will be helped; isn't that true?

Mrs. BOXER. There is no doubt about it. If you define wealthy as $5 million, $6 million, $7 million, you are not going to have to pay anything if you are handing down a business, and up to $4 million for just the normal family exemption.

I say to my friend, another point I think we have not made strongly enough is that it is estimated by people on the Finance Committee that the Republican plan could discourage $250 billion in charitable contributions over 10 years. Why is that? We know people look at their estate planning and they look at different ways they are going to handle it. They say: OK, I will give so much to Uncle Sam, but I also want to give some to my favorite charities.

The charities are up in arms about this. My friends on the other side of the aisle are often saying how important the role of charities are, and they are right; they are very important. Yet we have estimates that say the drain on charitable pursuits could go down $250 billion. That is not good news for those folks out there who run the community symphonies and the ballets and the various nonprofits.

If we proceed with the Democratic alternative, we will be easing the burden on the people who need the burden eased; it is costing less than half of what the Republican plan will cost; it is saying to the wealthiest among us—and I am talking about the super-wealthiest, as my friends put it—we want you to do well, but we know you understand the facts of life which are if we take this kind of money out of the Federal Government, we cannot do enough for our child care tax credits and for our afterschool programs. We cannot do enough for those in the middle class who are sending their kids to college. That costs a lot.

The fact is, we have other things we can do that can bring much more relief to ordinary, average American families.

I am going to close the way I opened, and that is to reiterate that I think this debate today has been a very important debate. It is true we are taking some time here, but many times people complain they do not see the differences between the parties; they do not understand what we stand for.

If they did nothing more than to look at the Democratic alternative, which cures a problem but is fair in its reach, if they did nothing more than take a look at the things that we still need to do, the unfinished business around here, to help our people—if I have to hear one more story about a patient in California who tells me that she cannot afford her prescription drugs, when I know we have the resources; just look at the Republican proposal—if you just exempted those who need it, you would have enough left over to take care of the grandma and the grandpa and the person sending their kid to college and the person struggling to pay for child care; we would have enough to do the things we need to do.

I hope the American people will take heed of this debate because in the end it is whose side are you on. I think at the end of the debate they can truly answer the question: Whose side are the Republicans on? The Donald Trumps, the Leona HELMSleys. Whose side are the Democrats on? Ordinary working, middle-class families are who we want to help.

I yield to my friend for a question.

Mr. REID. As I understand it, what the Senator is saying is, yes, we Democrats are willing to lower the taxes on the wealthy, but we do not want to take them away completely?

Mrs. BOXER. Exactly right. We are simply looking at the wealthy people, who we believe are not being treated fairly because perhaps their wealth is tied up in a family farm, in a small business, in a private home, and we say, fair enough, we do not want to see your family be forced to sell these assets. We do not want that to happen. In our alternative, we take care of this. But we do it in a way that is fiscally responsible, that leaves enough to take care of the pressing needs of our people, which everybody seems to think we have—prescription drugs, afterschool care, making sure that our kids get a decent quality education. Frankly, if we can just be moderate in our approach, we can do all of those things and come out on the side of ordinary Americans and be proud of ourselves.

I only hope that as this debate moves forward, the Democrats have a right to offer our alternative, and that some of our friends on the other side of the aisle will recognize that if they join with us, we will have a bill that is fair, that is good, that can take care of our other needs, and that the President will sign into law.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I rise this afternoon in strong support of the House legislation that would repeal the death tax for working Americans. I support this bill because death taxes are just basically, bottom line, anti-American, antifamily, antieconomic, and antijob growth. The death taxes are just plain unfair. They are unjust, and they must be eliminated.

I know our friends on the other side of the aisle are just so enamored by being able to take some dollars from somebody so they can direct them to the causes they believe are the best. They want to direct where the money goes. They are saying we should take these dollars from these individuals or these families or these groups and bring it to Washington so we can decide in Washington how the money should be spent—not the individual who earned the money, not the trust funds that they might set up.

They always throw around the names of Bill Gates, Donald Trump, and Leona Helmsley. I do not see anything wrong with what they have done and what they have contributed. But somehow if they want to direct or control their money, even after death, somehow my friends on the other side of the aisle have a problem with that. In fact, if I am not mistaken, I think Mr. Gates has already set up a huge trust fund of about $20 billion to be given to charitable causes.

I hear over there that there would be a reduction in charitable giving. So somehow, if the Government took less of the money from you in taxes, you, in turn, would say: I have more money now, so I am going to give less to charity, or somehow, if the Government takes more from you in taxes, you are going to be more charitable with the little bit you have left.

I think the real debate here is, again, fairness, equity, and who is going to

control or direct the money. Are we going to listen and have it all directed from here; That somehow they know better how to spend the money? They want to generate, control, and grow more Government, that it is more efficient, can deliver better services, and is more fair to Americans.

To me, this is nothing but greed on behalf of some politicians who want to control people. As I said, even after they are dead, they want to take even more money from them.

But their estates give back just a ''little bit'' in taxes. I do not call 55 percent of everything you worked for, and managed to save, put away, a ''little bit.'' Fifty-five percent—give back a ''little bit.'' Or the heirs should be happy to get half of the estate that your family has worked for, for nothing. You have probably been a part of it. And then after death, the Government can come in and grab 55 percent, and you should be happy because you get what is left over. Don't say anything. Just sit there and be happy because the Federal Government, in all its wisdom, is going to direct those dollars to the best causes and, indirectly, somehow they are going to benefit you and every other American.

There might be waste, fraud, and abuse going through the systems we have today, but if we only pump a little more money into it, or if we can only create more Government, somehow this is better than allowing an individual to decide how that money is going to be spent, what charities that individual wants to give to, what educational programs they want to support. But, no, somehow it is better if it comes to Washington.

But as you know, the Federal death tax is similar to the income tax. It was first imposed as just a temporary measure to finance World War I. Ronald Reagan said: There is nothing more permanent than a temporary Government program.

This is just a great example. The excise tax on the telephone—that was just repealed here a little while ago—imposed 100 years ago as a temporary tax is another great example.

Here is a temporary tax to help finance World War I. It was temporary. But once people get their hands on the money, they somehow believe they have more of a right to your labor than you do, that somehow they have more of a right to the money that you have worked for or generated than you do.

Why? When death taxes became permanent in 1916, estates under $9 million—that is in today's dollars—were not taxed at all. Death taxes later evolved to supposedly prevent the buildup of inherited wealth. The Government wanted to prevent the buildup of inherited wealth.

This idea of social engineering has made the death taxes, which now range from 37 percent to 55 percent, substantially higher than any other Federal taxes. The lowest estate tax rate is almost as high as the highest income tax rate, which is now, thanks to President Bill Clinton and the Democratic bill passed in 1993, the highest income tax rate, 39.6 percent.

Keep in mind the death taxes are levied on earnings and assets that have already been subject to income, payroll taxes, and other taxes at the Federal and State level. In other words, you have worked all your life. You have paid taxes up front on your income, on your profits. This is moneys that you have taken home after taxes, where you built an estate and somehow now they believe that you should pay just a ''little bit'' more—just a ''little bit''—and, oh, by the way, only on the most wealthy in this country. If you have a farmer with $1 million out there driving a 1975 pickup, and he happens to die unexpectedly, he is among those wealthy individuals that we talk about.

Yes, they throw around the names of Bill Gates and Donald Trump, as if somehow they are bad people, but what they do is they try to camouflage the real reason for this bill, and that is, to get their hands on additional moneys. Despite the efforts by liberals, deaths taxes have failed to accomplish their stated purposes and instead have created inequality and injustice that hurts millions of Americans. Instead, this is one of the most expensive taxes imposed, and it does some of the most damage on the individuals who this money is taken from.

In fact, I think there are studies out there that have said, if we eliminated the inheritance tax, the estate tax, the death tax, that it would almost be a wash to the Federal Treasury because it costs billions of dollars today to administer because of all the audits and everything that has to be done.

It is costing billions of dollars to impose this tax. Then when we look at the damage it does to farms, to small businesses, to individuals, jobs that are lost, businesses that are lost, tax dollars that are lost, of course, in the process, the Government comes out probably a loser. There are many who would bet that if we could eliminate this death tax today, it would not affect the revenues and, in fact, we would probably have even larger economic growth; that the revenues to the Federal Treasury would be even larger because of it.

It is a punitive, mean-spirited, unfair, unjust, antijob, antieconomic tax that the other side of the aisle seems to like to impose on Americans, successful Americans or Americans just trying to hang on to their farm or their small business.

Let me give a few examples of how death taxes are hurting working Americans. My good friends on the other side of the aisle say they don't want to hear any more of these stories, but we have a lot of these stories because they affect millions of Americans every year.

John Batey of Tennessee runs a 500-acre family farm that has been a part of the Batey family for about 192 years. John has spent all of his life on his family's farm and, as most other farmers, he plans to be a good steward of the land, to save and to build his assets and some day leave the farm to his children.

After the death of his father 5 years ago and the death of his mother last June, John began to settle his parents' estate. As he was about to take over the family farm, the IRS sent him a death tax bill for a quarter of a million dollars, on a 500-acre farm in Tennessee, a quarter of a million dollar tax bite. The value of the farmland had increased significantly, but the death tax exemption has never been indexed. John had no choice but to sell some other assets. He also had to dip into their life savings and even borrow money to pay Uncle Sam.

Now, when we talk about wanting to have a prescription drug benefit, everything else, what kind of a financial shape has it put this family in? It has taken them from being able to pay and make due for themselves and exposed them to financial ruin and the need possibly of having to come to the Government begging for help because we have taken all their money. Now they are in debt, have less of their assets, and their savings are gone so they can pay Uncle Sam this unfair, unjust death tax. Somehow the big spenders in Washington needed that money more than John and his family needed it for their own well-being.

The story of Lee Ann Goddard Ferris, who testified during the Senate Finance Committee hearing, is another disheartening story. This isn't the Bill Gates of the world. This isn't Donald Trump, Leona Helmsley. This is Lee Ann Goddard Ferris. Her family owns a cattle ranch in Idaho which prospered through 60 years of hard work by her grandfather and father. By the way, they accumulated this after they paid the taxes on all of their income up to this point. In the fall of 1993, her father was accidentally killed when his clothing got caught in farm machinery. The unexpected death was devastating on the family, but so was the news from their attorney. Later on he told them: There is no way you can keep this place, absolutely no way. They said: Well, how can this be? We own the land. We have no debt. We lost my father, but now how are we going to lose the ranch? We don't have a mortgage on this place.

According to Lee Ann, in her testimony before the Finance Committee:

> Our attorney proceeded to pencil out the estate taxes . . . and we all sat back in total shock.

When their mother dies, the lawyer told the family, estate taxes will be $3.3 million. I know that is just a little bit, just giving back a little bit of what has been generated by Washington and this great economy, not by the hard work of millions and millions of Americans. You didn't do anything to create this economy. It all came out of here,

out of Washington. You have benefited from it because of the benevolence and the wisdom out of Washington, not your hard work, not your brainpower, but Washington created this environment. We have heard this on the floor, that because Washington has done this, you have been the one who has taken advantage of it. So you should give back just a little bit to help, $3.3 million for a family in Idaho from a cattle ranch, just a little bit.

According to Ferris, the family had to sell off a parcel of land. They did this so they could buy a $1 million life insurance policy for her mother in the event that she should suddenly die. That would pay off one-third of the estate tax. The question still is, How will they handle the remaining $2 million? They already had to sell some assets to go out and buy this huge insurance policy. That only takes care of 33 percent. Who will pay the remaining $2 million? Ferris says she doesn't know. When her mother passes away, they are going to have to figure out another way of paying the other $2 million. Will that be in the sale of more of their assets, selling off more of the farm, basically driving them off the land and putting them somewhere else?

Timothy Scanlan, from my State of Minnesota, owns a family business. His family has built their business over the last 80 years. Their business has created many jobs. It has offered fine products. Again, they have paid taxes all their lives on everything. You are taxed to death the way it is now; the estate tax just finishes the job. They paid taxes, and they have never asked the Government for a handout. When his father and mother died a few years ago, the estates tax took nearly 60 percent of the value of his family business. Mr. Scanlan says:

> I am now trying to plan for the fourth generation to take over. As of today, it can't be done. We've worked so hard to create something good that we've created a company that has so much value that we would have to sell it in order to pay the taxes. Families, companies and farmers like us are a small minority working hard for generations only to have our government tax us out of our family business.

This isn't Bill Gates. This isn't Donald Trump. This isn't Leona Helmsley. These are average Americans.

There are many more stories such as these clearly showing that the death tax has hurt hard-working Americans the most. Not the rich; the rich can hire the lawyers. They can hire the estate planners to avoid all these taxes. We are not talking about tax relief for the wealthy, as some claim. I am not here trying to defend the wealthy. They are going to take care of themselves. It might cost them a couple million dollars to go out and hire people to set up the shelters they need. They will do that.

Why are we doing this? Why are we costing millions of dollars in the private sector, billions of dollars in the public sector to try to levy an unfair, unjust, antieconomic tax that hurts millions of Americans?

Realizing this injustice, the Republican-controlled Congress began to provide death tax relief in 1997 to farmers and small business owners by increasing the exemption from $600,000 to $1.2 million. When I talked about how increasing taxes of the Federal Government or eliminating the estate tax would almost be a wash, statistics show that about one-third of the surpluses we enjoy today are the direct result of the tax cuts in 1997. It means if we can reduce taxes, the economy grows. The economic pie gets bigger. The economic opportunities are better. The wages can improve. But, no, if you tax something, you get less of it. If that is what we want to do, continue to tax Americans into submission with these death taxes and having to break up or sell their businesses and farms, that is exactly what this unfair tax does.

There are crocodile tears about how if we can only collect this money, how much good can we do with this. Washington can do so much good. Just let us collect this tax, just a little bit of it—by the way, 55 percent—let us collect it, and we will continue these great Government programs. In fact, we will even create some new ones to go along with them.

Last year, we passed the Taxpayers Refund Act. For the first time ever, we voted to completely repeal the Federal death tax. Despite the fact that the President's own White House conference on small business made death tax repeal a top legislative priority, President Clinton vetoed this tax relief legislation.

When I travel around the State of Minnesota, I talk to hundreds of farmers. The one thing they tell me would help them most is the repeal of the death tax.

The average age of the majority of the farmers in Minnesota is 58. Within 10 years, there is going to be a tremendous shift of wealth of farmland and farm assets in Minnesota. Right now a lot of those assets are going to go to the Government, and it is going to drive the next generation off the farm because they won't be able to afford to do it.

I don't know where those farm assets are going to end up, but, because of this unfair tax, the majority of farmers in Minnesota tell me that would be their No. 1 priority. If we want to help rural America, if we want to help rural Minnesota, rural Wisconsin, the best thing we could do is help these farmers by getting rid of this death tax to allow them to pass their assets from generation to generation.

But again, despite the fact that the President's White House Conference on Small Business made the death tax repeal a top legislative priority, President Clinton vetoed this tax relief legislation. This is an administration that does not want to give one dime in tax relief—not one dime. In fact, the President's own bill that he submitted this year, which had a tax relief component included, would actually raise taxes this year by $9 billion. That is the President's version of tax relief. We will raise your taxes $9 billion this year. That is real tax relief.

Here is another example of a President who doesn't want less taxes but more taxes. It is supported by our good friends on the other side of the aisle.

Our Democratic colleagues insist that a cut in the death tax is a tax cut for the rich, and they ''can hardly justify a costly tax cut that benefits some of the wealthiest taxpayers.''

That is simply wrong. As I said earlier, it is the family farms and the small business owners whom the death tax particularly harms; it is not the rich. That is just cover, a smokescreen. That is the magician saying: Look at this hand, not at what I am doing here with this other hand. Concentrate on the super rich, but don't worry about the average middle-income taxpayer or small businesses.

A typical family farm could be valued at several million dollars due to land appreciation and the expensive farm equipment needed. I have said so many times that a farmer can die and can be worth $2 million or $3 million, but it is all in assets, value, and equipment. He has probably never driven a new pickup in his life and has worn his gloves until he can't hold them anymore. Yet, when he dies, he is a millionaire who should ''give just a little bit back.'' Don't pass on the family farm; let Washington have it.

Many farms may never even earn a penny of profit. When the head of the household dies, the family can't come up with the money for estate taxes. They don't have a quarter million dollars in cash-flow. Everything they have is normally invested in the farm, in the assets and equipment. But they have to come up with money to pay the estate tax, and that means they have to sell equipment or land—in other words, break up the family farm.

This is the main reason we lose about 1,000 family farms each year in my State of Minnesota alone. They are driven out of business because of the estate tax. Are these rich people? No, they are hard-working Americans. I strongly believe Government policies should not punish those who have worked hard and been out there building up farms and businesses. There are many compelling reasons to end this unfair and unjust death tax:

First, the American dream is to work hard and make life better for their children. Here, if you work hard and put everything into it, you break your back to do it, if you are successful, they are going to penalize you. You may have built a business from the ground up, brick by brick, acre by acre, founded on persistence and determination, but if you are successful, they are going to break you.

Years of hard work eventually pay off. Their business thrives, farms prosper, and when the time comes to retire or leave the world, they are proud to

pass something on to their children. But, wait, there is the tax man. By allowing them to build upon the success their parents and grandparents had achieved, they know they have given their children a good head start—again, until the tax collector steps in to demand Washington's share, taking up to 55 percent of the estate. As the witness said earlier in her testimony before the Finance Committee, her attorney said, ''There is no way you can continue to operate this farm because you have to pay the taxes.''

Once the Federal Government has finished taking its portion of the estate, few family businesses and farms can survive. Their heirs may be forced to sell off all or part of the business—again, just to satisfy the tax bill. All of the years of hard work poured into the creation of a piece of security for their family and their future evaporates. Oh, no, this is only for the rich, for the wealthiest. Again, that is a smokescreen to divert your attention, saying: Good, tax the rich people. But those ''rich'' people are many, many Americans—not a few but many average Americans.

Newt Gingrich once said, ''You should not have to visit the undertaker and the tax man on the same day.''

I think Mr. Gingrich was right. Research shows that 70 percent of family businesses do not survive through the second generation. Eighty-seven percent don't make it through the third generation. The death tax is a major factor contributing to the demise of family businesses and, as I said earlier, family farms. Nine out of ten successors whose family-owned businesses failed within 3 years of the principal owner's death said it was trouble paying the estate taxes that contributed to the company's demise.

I think Senator BURNS earlier talked about the year after year after year of payments a family had to make to the Government—$14,000 a year, $15,000 a year, $17,000 a year, and their dad had died 13 years earlier. So they were still trying to make a profit and pay the bills and then pay the tax man over and above their other taxes.

In fact, under the current tax system, it is cheaper to sell the family-owned business before death—cheaper to sell it before you die—rather than pass the business on to one's heirs. That is what happens a lot of times. You can't afford to die, so you have to sell the business beforehand so you can pay less taxes, and you help your family more than by waiting until you die.

No growing business can remain competitive in a tax regime that imposes tax rates as high as 55 percent upon the death of the founder or owner. Clearly, the Nation's estate tax laws penalize those who have worked the hardest to get ahead. Instead of encouraging family-owned businesses, the Federal Government has enacted tax policies that are a barrier to a better economy and better jobs.

A good question would be: On what moral ground should the Federal death tax be allowed to continue to punish hard-working Americans? If a death tax is unfair on somebody with a $500,000 estate, or a $50,000 estate, or if it is unfair to somebody with a $2 million estate—and now our good friends on the other side of the aisle say we will even grow that to $10 million—if it is unfair to a $10 million estate, how can it become fair or morally right on anything above that? On what moral ground should the Federal death tax be allowed to continue?

Revenue from death taxes accounts for about 1 percent of Federal tax receipts. But the real loss to the Federal Treasury could be much greater. It takes 65 cents to collect every dollar. Again, I told you it is a very expensive tax to go out and try to collect because of all of the auditing and everything that has to be done. So it takes 65 cents to collect a dollar. If we take in $20 billion a year, we have spent about $13 billion to collect it. It is an unfair tax, an immoral tax, which can drive these families out of business; and we lose even more revenue in lost jobs, lost productivity, not to mention the revenue loss from payroll, income, and other taxes when businesses are destroyed and those jobs are lost.

The death tax provisions are so complicated that family-owned businesses must spend approximately $33,138 over 6.5 years on attorneys, accountants, and financial experts to assist in estate planning.

Eliminating the estate tax would have a nominal impact on Washington's $1.8 trillion budget. When you look at the money we would save and the additional tax revenues, we could probably gain from the payroll and other taxes—and, again, this could be a wash—and we don't disrupt or destroy businesses, lives, and jobs.

But by encouraging savings, investing, and the establishment of more family-run businesses, the economic benefits for average Americans would be tremendous. There are many average Americans out there losing their jobs every time one of these businesses has to close or have assets sold off. So it disrupts many people, not just the owners of the business, but many who rely on the business for a livelihood to support their families.

Research shows that repeal of death taxes will create more than 275,000 jobs in the next 10 years. It will create 275,000 jobs if we can get rid of the death tax. We heard one claim that somehow there would be a reduction in charitable giving. So, somehow, if the Government takes less, you are not going to give as much to your favorite charity. I think if you had more money in your pocket at the end of the year, you might give more.

Americans are the most charitable people in the world, giving tens of billions of dollars a year. But the Government wants to take some of that because the Government, again, can be more benevolent or charitable with your money.

I wrote this point down, too. The Democrats said, ''We want to help.'' Who? How? By taking money from some people so they can decide how to disburse it to others, rather than letting the individuals who own the assets make the decisions on charitable giving, whether to their schools, or their alma mater, churches, groups in their community, the Boy Scouts. Billions of dollars a year are distributed this way in charitable giving.

I don't think we need the Government to step in and say: No, we can do that better.

Again, research shows that repeal of death taxes will create more than 275,000 jobs in the next 10 years; that it will increase the gross domestic product by more than $1 trillion; and it could increase capital stock by $1.7 trillion.

It sounds to me as if there is another side of this argument —that getting rid of this unfair, unjust, and immoral tax would actually be an economic benefit to millions of Americans and to the Federal Government, for one. With such economic growth, Federal revenues would grow higher as well. Even Washington would benefit if we could get rid of this tax. But they can't see past the blinds. They say: No, we have to continue to penalize these people; we have to continue to take their money; we dare not to do that.

Congress can and should help working Americans keep their family assets by eliminating the damaging estate tax. I strongly urge my colleagues to vote to repeal this tax.

In the next few weeks, the Senate will be considering other important legislation to provide meaningful tax relief for working Americans, such as marriage penalty tax relief. I believe all of these efforts are critical to help ease the tax burden on American families against the marriage penalty.

Why do they call it a penalty? It is an unfair tax because, if a couple decides to get married, the Government wants to take more money unfairly. It is unjust. The estate tax is not different.

I know President Clinton said one time at a news conference a couple of years back, well, it might be an unfair tax but Washington needs the money—something in that respect. I am not quoting him word for word. But that was the gist of it; that somehow Washington needed the money even though it was unfair to take it, or it wasn't the right means of extracting more money from Americans, but somehow Washington needed it. Now we need even more because Washington can do better.

I believe all of these efforts, however, are critical. If we can get rid of the death tax and help to ease or eliminate the marriage penalty tax, it would help ease the tax burden on American families.

I again quote these numbers. It says here that research shows the repeal of the death tax will create more than

275,000 jobs in the next 10 years. It will increase our gross domestic product by more than $1 trillion. It will increase capital stock by $1.7 trillion. There would be a lot of financial advantages.

I also hope in the second reconciliation legislation Congress can consider and pass tax relief for American seniors by repealing all of the taxes on their retirement benefits.

Again, this administration and this President decided to increase taxes on the senior citizens receiving Social Security. They increased their taxes in 1993. That is another tax that I think we should repeal.

We talk about seniors not having enough money; that they have to decide between meals and medicine. They have to do that because Washington has decided to take more of their money. We need to repeal that tax on our senior citizens as well.

I challenge President Clinton to sign these tax relief measures into law so the American people can keep a little more of their own money for their own priorities and so they can make the decisions on how that should be done.

Again, I strongly urge my colleagues to vote in support of repealing the estate tax—the death tax—along with these other taxes to give Americans the ability to keep a little more of their hard-earned money.

I thank the President. I yield the floor.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, as you know, this is one of those days that you actually look forward to when you are running for the Senate. I had an opportunity to be on the floor for virtually the entire debate today concerning the estate tax. It is actually a very welcome debate. But let me be clear. Democrats, as well as Republicans, welcome the opportunity to eliminate the estate tax for middle-income Americans and families who own small businesses and family farms.

We, on this side of the aisle, believe that we can completely abolish the estate tax for the overwhelming majority of American families who this tax affects at a fraction of the cost of the Republican proposal. Why is that? It is because, unfortunately, the Republican proposal focuses so much of the revenue that is available on the superwealthy.

When Senators give examples, as they have done today, they are often using one kind of example that the Democratic alternative would take care of, but their proposal actually spends great amounts of revenue on people who are actually not in the same position as the families which various Senators have described.

For example, the Senator from Montana, Senator BURNS, came out and very appropriately referred to the various Wisconsin farmers, dairy farmers, hog farmers, and feed farmers. He said this was the purpose of the repeal of the estate tax. But the fact is, you don't need to completely repeal the estate tax for everyone in the United States of America in order to take care of the problem of every family farmer in Wisconsin with regard to the estate tax. In fact, most of them don't face an estate tax at all given the exemptions under current law.

So this notion that somehow the Democrats are against taking care of the problems of farmers who are land rich and cash poor is simply untrue. It is not the Democratic position. In fact, it is just the opposite.

Senator GRAMS of Minnesota comes out and gives the example of the family from Idaho that faces a $3.3 million tax burden on the estate tax. He fails to point out that, under the Conrad-Moynihan proposal, that family would get at least substantial estate tax relief, and, we believe, although we would have to check it, perhaps a complete exemption from the estate tax. So the very example that the Senators from the other side of the aisle have used do not support their point. Those examples would be taken care of, I believe, under the Conrad-Moynihan proposal.

It is really a bit of a bait-and-switch approach. You come out and give the very appropriate examples of families who may need some estate tax relief, but the actual proposal spends a great deal of available revenue in this country on folks who, frankly, are not as desperately in need of this kind of relief.

This debate is very welcome because it gives us a chance to talk about what is most important. This motion to proceed allows us an opportunity to actually contrast the majority's priorities with those of the American people. This is a thread that has gone through the comments today of many of us on our side of the aisle—Senator DORGAN of North Dakota, to Senator WELLSTONE, to Senator BOXER. They pointed out that this is a great chance to talk about what the priorities are for the American people.

That is another thing I imagined I would have a chance to do when I came to the Senate. We like to deal in specific subjects and try to give a little expertise and show that we know something specific. But there are also days when we come out and, say, take this subject and that subject and compare them and see what is the most important thing for the American people. Fortunately, the debate today has allowed that opportunity.

By moving to this bill and by trying to pass this bill the way it is written with not just sensible estate tax reform but massive tax cuts for the extremely wealthy, the majority makes clear that it favors tax cuts for the very wealthy above anything else.

No, the majority's priorities are not those of working Americans.

Let me begin by discussing the estate tax, and why the majority's plan to completely repeal the estate tax is wrong.

To begin with, the estate tax affects only the wealthiest property holders. In 1997, only 42,901 estates paid the tax. That is the wealthiest 1.9 percent. People are already exempt from the tax in 98 out of 100 cases. Let me repeat that. Already, under current law, 98 out of 100 cases are completely exempt from the Federal estate tax.

This year individual estates up to $675,000 are exempt from taxation, and each spouse in a couple can claim that $675,000 exemption. So a couple can already, under current law, effectively exempt $1.35 million from the tax. To add to that, Congress has already enacted useful expansions of the exemption that have not yet taken effect.

By 2006, individual estates up to $1 million will be exempt and, therefore, couples will be able to exempt $2 million in tax. Had those exemptions been in effect in 1997, more than 44 percent of the estates that paid tax—remembering that most of them didn't pay tax in the first place anyway at that point—those still paying tax in 1997 would have been completely exempt.

In 1997, Congress also raised the exemption for family farms and small businesses, the ones that the Senators on the other side of the aisle have cited needing relief. In 1997, we raised the exemption for the family farm and small businesses to $1.3 million for an individual and $2.6 million for a couple. Small businesses and farms can also exclude part of the value of real property used in their operations. Those very few businesses and farms that are still subject to tax can pay it in installments over 14 years at below market interest rates.

In 1997, Congress went a long way toward making the estate tax less of a burden. Already in 1997, the superwealthy were paying most of the estate tax. The wealthiest 1 in 1,000 with estates larger than $5 million paid half the estate tax that year. That is why the Republican idea—and this is the Republican idea not to cut the estate tax, as they will say when they are giving their example—the Republican idea is to repeal the estate tax completely. That is tilted too heavily to the very wealthy. The Republican estate tax repeal would give the wealthiest 2,400 estates, the ones that now pay half the estate tax, an average tax cut just on the estate tax of $3.4 million each. Remember, we are talking about a situation where 98 out of 100 people get zero, nothing, from this estate tax cut.

Last month, Forbes magazine estimated that Mr. Bill Gates is personally worth about $60 billion. If, heaven forbid, Mr. and Mrs. Gates were to pass away and the Republican bill was fully in effect, if they otherwise would have paid the same average effective tax rate that the largest estates paid in 1997, then, believe it or not, this bill would give Bill Gates' heirs alone, just for those people in that family inheriting the money, an $8.4 billion tax break; $8.4 billion in revenue that we currently collect would go to this one family.

Think of how hard we worked on this Senate floor in bill after bill to find

savings in deficit reductions that would somehow come together to reach that large figure, $8.4 billion. Think of how hard we debated programs and tax cuts that cost much less than $8.4 billion. Is the $8.4 billion tax cut for the family of Bill Gates the highest and best use of whatever budget surplus we may have? That is why Democrats can eliminate the estate tax for the vast majority of estates at a fraction of the cost.

As I noted, 44 percent of estates that paid tax in 1997 would have been completely exempt from tax if the exemption were raised to $1 million. Fully 85 percent of the estates would have paid no tax if the exemption had been raised to $2.5 million.

Senators CONRAD and MOYNIHAN have been working on a proposal that will eliminate the estate tax for most people for whom it would apply today, and to do so for substantially less cost than the majority's bill. I think the Democratic alternative is a good substitute. We ought to pass it. We ought to send it to the President for his signature.

If the majority fails to adopt that reasonable amendment, however, we will have others. One of the reasons I welcome this debate is because I am looking forward to offering an amendment that will try something else, that will simply maintain the estate tax on estates of $20 million or more. We are talking about estates of $20 million. We are certainly no longer talking about upper-middle-income families. We are talking about estates of $20 million. I don't think we are talking anymore about small businesses the way most people understand that term. In 1997, there were only 329 estates in the country that amounted to more than $20 million. But those 329 estates are worth $25 billion. We are talking about estates that average $75 million each. The majority's estate tax bill gives the heirs of estates such as those 329 multimillionaire estates a tax cut that averages $10.5 million each.

I am looking forward to this debate to see if the majority can at least keep itself from giving this massive tax cut, averaging $10.5 million each, to the wealthiest 1 in 10,000. We will see.

The point of amendments such as these is that an estate tax for the superwealthy does, in fact, serve some important social purposes. Yes, some sensible reforms are in order to increase the exemption to the estate tax for middle-income Americans, and certainly to address the special needs of small businesses and farmers. But the majority's position is too extreme. We live in a time of an increasing concentration of wealth. Last September, the Wall Street Journal reported in 1997 the Nation's wealthiest 10 percent owned 73 percent of the Nation's net worth. That is up from 68 percent in 1983. With the stock market boom of the 1990s, the wealthiest have done very well, indeed.

Those who hold this great wealth are in a better position to shoulder some of the costs of our society. An estate tax for the superwealthy makes them help out. It is ironic, just when the very wealthiest are doing as well as they have since the gilded age, the Republicans decide that the very wealthy deserve—and what we most need to do—is another tax break. An estate tax for the superwealthy also serves as a backstop to the income tax, ensuring that some income on which income tax is deferred or avoided is ultimately subject to at least some tax.

For example, because the income tax law steps up the basis of per capita gains on the value of a piece of property at the time of inheritance, no one pays income tax on capital gains that an individual built up on property the individual owns at the time of death, and, therefore, the estate tax provides the worthwhile social purpose, I believe, that the superwealthy have to at least make up for some of that.

I think there is a worthy point that has been debated a little bit in the last hour. An estate tax for the superwealthy does encourage charitable giving as Senator BOXER from California pointed out. A complete repeal of the estate tax would land a devastating blow on colleges, churches, museums, and other charitable institutions that rely on donors to leave gifts. The majority's repeal of the estate could well reduce charitable gifts and bequests by $6 billion annually.

The majority bill would be immensely expensive. The Joint Committee on Taxation projects that the majority bill would cost $105 billion over 10 years. Because the bill is phased in slowly over 10 years, its cost would actually explode even more in the second 10 years. When fully phased in, the bill would cost at least $50 billion a year, or more than $500 billion a decade. In fact, the Treasury Department says the figure would be about $750 billion over the decade.

Are tax cuts for the superwealthy the first place that we as a Nation want to spend more than half a trillion or three-quarters of a trillion dollars of the surplus?

Yes, it is true; some of the speakers on the other side have said America's economy is still strong. The Nation is enjoying the longest economic expansion in its history. Unemployment is at lowest in three decades, and home ownership is at the highest rate on record at 67 percent.

Several causes contributed to the current economic expansion, and it cannot be denied that a key contributor to our booming economy has been the Government's fiscal responsibility since 1993. I am very proud of that, as are many Members. The first tough vote I took was to support the President's deficit reduction plan in 1993. It worked, and it worked very well.

This responsible fiscal policy means that the Government has borrowed less from the public than it otherwise would have, and will have paid down $300 billion in publicly-debt held by October of this year. The Government no longer crowds out private borrowers from the credit market. The Government no longer bids up the price of borrowing—that is, interest rates—to finance its huge debt.

Because of our fiscal responsibility, interest rates are, so far, lower than they otherwise would be. Because of our fiscal responsibility, millions of American have saved money on their mortgages, car loans, and student loans. Because of our fiscal responsibility, businesses large and small have found it easier to invest and spur yet more new growth.

Massive tax cuts like the one before us today I think pose the greatest single threat to that responsible fiscal policy, and to the strong economy to which it has contributed. It is no secret and it has been essentially admitted to by the previous speaker, the Senator from Minnesota: The majority intends to pass—in one bill after another—a massive tax cut plan reminiscent of the early 1980s.

The majority leader said as much in a Republican radio address over the recess. After rattling off a series of tax cuts, the majority leader said, ''Put all this together and we call it 'First Things First' ''

I think it is supremely ironic that the majority leader chose to use those exact words, ''first things first,'' for in so doing, he echoed what President Clinton said in his 1998 State of the Union Address, when he said, ''What should we do with this projected surplus? I have a simple four-word answer: Save Social Security first.''

That is, after all, what this debate is about: What should come first?

As I and other Democrats have said, and demonstrated by our votes, we support estate tax reform for middle-income Americans, small businesses, and family farmers. But as we debate what ''first things'' should come first, shouldn't we remember our commitments to Social Security and Medicare?

In the decade of 2011 to 2020, just as the costs of the bill before us today will begin to explode, the baby boom generation will begin to retire in numbers. Social Security's trustees project that, starting in 2015, the cost of Social Security benefits will exceed payroll tax revenues. Under the trustees' projections, this annual cash deficit will continue to grow. By 2037, the Social Security trust fund will have consumed all of its assets. Similarly, by 2025, the Medicare Hospital Insurance Trust Fund will have consumed all of its assets.

I almost hesitate to say this, but when I look at the young people in front of me who work so hard for us every day, they are the ones who will not get their Social Security if we are not responsible, if we do not make sure we put first things first.

According to the trustees, we can fix the Social Security program so that it will remain solvent for 75 years if we

make changes now in either taxes or benefits equivalent to less than 2 percent of our payroll taxes. But if we wait until 2037, we will need to make changes equal to an increase in the payroll tax rate of 5.4 percentage points. We have a choice of small changes now or big changes later.

That is why it makes sense to see to our long-term obligations for Social Security and Medicare before we enact either tax cuts or yes, spending measures that would spend whatever that surplus might be. Before we enter into new obligations, we need to steward the people's resources to meet the commitments we already have.

I will tell you, when I think of Social Security, the generations that come after us, that is commitment No. 1.

Which is putting first things first: saving Social Security and Medicare or cutting estate taxes for the very rich?

As part of updating Medicare for the 21st century, we have to ensure that our elderly have access to lifesaving prescription drugs. Three out of five Medicare beneficiaries make do without dependable prescription drug coverage. We on this side of the aisle believe that it is a priority to create a voluntary Medicare prescription drug benefit that is accessible and affordable for all beneficiaries.

Which is putting first things first: helping provide needed medications for our elderly or cutting estate taxes for the very wealthy?

We on this side of the aisle believe that one of our Nation's most pressing unmet needs is the acute and growing demand for help with long-term care. I have worked on this issue more than any other issue in my 18 years in public office. Our Nation's population is aging: Today, 4 million Americans are over 85 years old. By 2030, more than twice as many—9 million Americans—will be. Already today, 54 million Americans—one in five—live with some kind of disability. One in ten copes with a severe disability. In four out of five cases, a family member serves as that disabled person's primary helper, and, believe me, serves under a heavy burden in doing so. If the majority allows us to offer amendments, I will join with others on this side of the aisle in an amendment that will take some of the money that the majority would use to cut taxes for the superwealthy and use it to help make tax benefits available to these hard-working and financially strapped helpers.

Again, which is putting first things first: helping people to provide long-term care for elderly and disabled family members or cutting estate taxes for the very wealthy?

It seems that more and more these days, we see legislation like that before us today that benefits the very wealthy. At the same time, Senators feel increasing pressure to raise larger and larger sums of money from wealthy contributors. Observers could be forgiven for linking the two phenomena. Observers could reasonably wonder whether the contact Senators increasingly have with wealthy contributors could perhaps lead Senators increasingly to continually believe that the problems of the very wealthy are the problems to which we must respond first.

The problem has only become worse with the large amounts of soft money being raised to get around the campaign finance laws. As the Supreme Court concluded in its decision this January in Nixon v. Shrink Missouri Government PAC: ''[T]here is little reason to doubt that sometimes large contributions will work actual corruption of our political system, and no reason to question the existence of a corresponding suspicion among voters.''

A number of us believe that it continues to be a matter of great urgency to stop this corrupting influence of soft money in our elections. We feel that in order to get our priorities right, we need to get our house in order. Although it was undeniably a good thing to reform disclosure of contributions by organizations that do business under section 527 of the tax code, as we just did, that is by no means enough. Those of us fighting for campaign finance reform will forego no opportunity to offer an amendment to ban corrupting soft money once and for all.

On that point, as we all know, only the tiniest fraction of the American people will be affected by this tax legislation before us today. But the American people also understand that those wealthy enough to be subject to estate taxes tend to have great political power.

Those wealthy interests are able to make unlimited political contributions, and they are represented in Washington by influential lobbyists that have pushed hard to get this bill to the floor.

The estate tax is one of those issues where political money seems to have an impact on the legislative outcome. That is why I want to quickly Call the Bankroll on some of the interests behind this bill, to give my colleagues and the public a sense of the huge amount of money at stake here. I talked about taxes, but now I am talking about political contributions.

Take for instance the National Federation of Independent Business. Repeal of the inheritance tax is one of the federation's top priorities, and the federation is considered one of the most powerful organizations in town.

They have the might of PAC and soft money contributions behind them.

NFIB's PAC has given more than $441,000 in PAC money through June 1 of this election cycle, according to the Center for Responsive Politics. That is on top of the incredible $1.2 million in PAC contributions NFIB doled out during the 1997–1998 election cycle.

NFIB has also given soft money during the first 18 months of the current election cycle—just over $30,000 so far.

Then there is the Food Marketing Institute, which represents supermarkets, and has also made a powerful push to bring this bill to the floor.

Behind that push was the weight of significant PAC and soft money contributions, which I am sure is not a surprise to anybody.

Through June 1st of this election cycle, the Food Marketing Institute has given more than $241,000 in PAC donations to candidates, after it made more than a half million in PAC donations during the previous cycle.

FMI is also an active soft money donor, with more than $156,000 in soft money to the parties since the beginning of this cycle through June 1st of this year.

On top of these wealthy associations, there are countless wealthy individuals who want to see the estate tax repealed. They are that tiny fraction of Americans who would benefit by the difference between the Republican approach and the more modest and appropriate Democratic approach.

These folks want an end to the estate tax, and they are also able to give unlimited soft money to the political parties to get their point across.

Then there is the most interesting player in the push to repeal the estate tax—the mystery donors.

That is right, we don't know who is funding one of the major efforts to end the so-called death tax.

We don't know because the group paying for it is one of those secretive 527 groups.

The group is called The Committee for New American Leadership, and was founded, I am told, by former House Speaker Newt Gingrich. The committee, identified in news reports as a 527 ''stealth PAC,'' has been very busy pushing for the repeal of the estate tax, but nobody knows who is footing the bill for those efforts.

As I stand here today, these mystery donors are having a lot to say about what gets debated in the Senate, and we have no way of really knowing who they are, or how much they gave. But thankfully, all of that may be changing.

Thanks to the passage of the 527 disclosure bill, which the President almost immediately signed into law, from here on in we will know a lot more about who is writing the check to the Committee for New American Leadership, and the donors to every other stealth PAC that hid behind a tax loophole to evade public scrutiny.

So, reformers won a victory with passage of the 527 disclosure bill, and we are just getting started. We are going to keep pushing until we address the other gaping loopholes in the campaign finance law that allow wealthy interests spend unlimited amounts of money to push for bills like this one, which serve the interests of the wealthy few at the expense of most Americans.

Mr. President, again, to return to the central question, I ask: Which is putting first things first: ensuring honest elections, or cutting estate taxes for the very wealthy?

The majority shows by proceeding to this bill that it wants to help out those who have benefitted most in the latest economic boom. But the week before last, the business group the Conference Board released a report that said:

Working full-time and year-round is, for more and more Americans, not enough.

The report, called ''Does a Rising Tide Lift All Boats?'' finds that Americans holding full-time jobs in the 1990s were just as likely to fall into poverty as Americans working full-time in the 1980s, and more likely to fall into poverty than full-time workers were in the 1970s. As The Wall Street Journal reported, economists attribute the problem in part to the erosion of the value of the minimum wage, which was in today's dollars worth about $7 in 1969, compared with the current minimum wage of $5.15 an hour.

We on this side of the aisle believe that it is a priority to enact an increase in the income of working Americans making the minimum wage. The majority appears to believe that a tax cut for the very wealthy should be addressed first.

So which is putting first things first: enacting a raise for working people making the minimum wage, or cutting estate taxes for the very wealthy?

Even if we chose to confine ourselves strictly to cut taxes, should our highest priority for tax cuts be the very wealthiest 2 percent of the population? The majority shows by proceeding to this bill that it favors tax cuts for the super-wealthy before tax cuts for anyone else.

We on this side of the aisle believe that it is a priority to cut taxes for working families struggling to stay out of poverty—families who have some of the highest marginal tax rates in our tax system. The majority's bill would give tax cuts to fewer than 43,000 upper-income taxpayers a year. In contrast, the President's proposal to expand the Earned Income Tax Credit to reward work and family would provide tax relief for 7 million working families, providing up to $1,155 in additional tax relief a family.

Among other things, the President's EITC proposal would increase benefits for working families with three or more children. The poverty rate for children in these larger families remains a stunning 29 percent, more than double the poverty rate among children in smaller families. A decade ago, a bipartisan group of Wisconsin State legislators enacted a substantially larger State EITC for families with three or more children, and it has helped to lift thousands of Wisconsin families from poverty.

Which is putting first things first: helping the kids in 7 million working families keep out of poverty, or cutting estate taxes for the children who stand to inherit from the very wealthy?

This Senator believes that it is a priority to simplify taxes and free people from paying income taxes altogether. One way to do this would be to expand the standard deduction. That would reduce tax liability for millions of working Americans. If the majority ever gives us a chance to offer amendments, I intend to offer such an amendment on tax legislation this year. Right now, 7 in 10 taxpayers take the standard deduction instead of itemizing. Expanding the standard deduction would make it worthwhile for even more Americans to use that easier method and avoid the difficult and cumbersome itemization forms. As well, expanding the standard deduction would free millions of middle-income working Americans from having any income tax liability at all.

So again, which is putting first things first: freeing millions of middle-income Americans from the income tax, or cutting estate taxes for the very wealthy?

Simplifying taxes generally should be a priority. Some have proposed that modest investors in mutual funds should be exempted from filling out the complicated capital gains schedule. Some have suggested streamlining the complicated child credit. Some have proposed further simplifying the Nanny Tax by raising the threshold for filing. These modest steps would relieve millions of middle-income taxpayers from needlessly complex and time-consuming tax forms, but they would also cost money.

So which is putting first things first: simplifying income taxes for millions of middle-income taxpayers, or, again, cutting estate taxes for a few hundred of the very wealthy?

Senators on both sides of the aisle believe that we should repeal the telephone tax for residential users. Pretty much everyone pays the telephone tax. Mr. President, 94 percent of American households have telephone service. And remember, fewer than 2 percent, even under current law, pay the estate tax. If the majority allows us to offer amendments, I will join with others on this side of the aisle in an amendment that will take some of the money that the majority would use to cut taxes for the super-wealthy and use it to repeal the telephone tax for residential users.

Now, the majority also wants to eliminate the telephone tax for businesses, which is just a tax cut for people who own stock in those businesses—not the most progressive of tax cuts—but cutting taxes on residential telephone users is among the more progressive tax cuts that one could imagine this Congress passing. But the schedule betrays the majority's priorities.

Which is putting first things first: repealing a residential telephone tax that nearly everyone pays, or repealing estate taxes that only very wealthiest 2 percent pay?

Senators on both sides of the aisle believe that it is a priority to help working American families to save. The President's proposal last year to encourage retirement savings through what he called USA Accounts made some sense. Similarly, this year, Vice President GORE's new Retirement Savings Plus accounts—voluntary, tax-free personal savings accounts separate from Social Security but with a Government match—are also a pretty good idea. Both USA Accounts and Retirement Savings Plus would help millions of middle-income Americans to save and build resources for retirement.

So again, when you look at that issue, which is putting first thing first: helping working American families to save, or cutting estate taxes for the very wealthy?

As I said at the outset, this is really a welcome debate. Because the majority's desire to increase tax breaks for the very wealthy paints so stark a contrast to the many ways by which Senators on this side of the aisle really do want to help working Americans.

This is not an example of class warfare. To point out what is going on, that is not what this is at all. In fact, what is class warfare is to maintain taxes on the vast majority of working Americans while cutting taxes only for the very wealthy Americans.

I have taken some time on this occasion to contrast the majority's priorities with those of the American people because the majority leader has made all too clear that he does not intend to allow a fair and full debate of this estate tax bill. I have made this case on the motion to proceed rather than waiting for the bill itself because, if the majority leader follows what has become his regular practice, he will, in all likelihood, file cloture on the bill as soon as we get to it.

Mr. President, I have said this before at much greater length, but I will say it again—others have said it better—this is not how the Senate was meant to work. This is the place where the Government was intended to consider policies fully and fairly.

The majority leader's all-too-rapid resort to cloture deprives Senators from debating priorities such as those I have discussed today, and so many more. That is why I have taken time during this debate on the motion to proceed, which is not where we normally have this sort of debate, to warn, before the majority leader files his cloture motion, against the dangers of invoking cloture on the estate tax bill.

This is a major bill. If enacted, it would take more than half a trillion dollars, maybe three-quarters of a trillion dollars a decade that would otherwise have gone to paying down the debt and put it in the hands of the very few wealthiest members of society. It would be neither fitting nor appropriate to effect the transfer of more than half a trillion dollars without a full and fair debate.

And that is why we must debate this motion fully today. For if there is a remedy for the majority leader's abuse of the cloture process, it is a more rigorous use of the cloture process when it is abused.

New York's Governor Al Smith said in 1933, ''All the ills of democracy can

be cured by more democracy.'' To paraphrase Governor Smith, the cure for not honoring the spirit of the Senate's rules is to honor the Senate's rules to the letter.

Thus, if the majority lseader wants all the benefits of the cloture rule, then he will have to bear all the costs of the cloture rule, as well. If the majority leader lays down a cloture motion, he should be prepared to have the full 30 hours of debate on the matter on which the Senate invokes cloture. If the Senate invokes cloture, it should expect to have to remain on the matter on which has invoked cloture.

Let's cut to the chase. The majority is moving to this complete repeal of the estate tax at least in part as a purely political gesture. The Administration has stated in so many words that the President would veto this bill. The majority apparently wants the veto and the issue more than it wants a good law that would eliminate estate taxes for the overwhelming majority of those who pay it.

Such a compromise is available if the majority is willing to take it. The majority need only adopt Senator CONRAD's and Senator MOYNIHAN's substitute, and we can have meaningful estate tax reform this year.

But if the majority does not do so, then we will debate this bill at length and vote on a series of amendments.

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

Mr. FEINGOLD. I will yield.

Mr. REID. I say this in the form of a question because I want to focus on one part of the Senator's speech. I know this is not an easy question to answer because it is coming from somebody I am going to try to compliment and applaud. Does the Senator recognize how appreciative the rest of the Senators are on the Democratic side for his leadership in exposing what is wrong with campaign finance on the Federal level in America? Is the Senator aware of how much we appreciate the work he has done?

Mr. FEINGOLD. I certainly know that the Senator from Nevada talks to me about this issue every chance he gets. I appreciate it. He has been one of the persons who has made it possible for us to raise this issue on the Senate floor. I appreciate the opportunity to occasionally come to the floor and point out, when we are on a particular bill, all the big soft money contributions that are behind some of these bills. It is part of the story that the public needs to know.

Mr. REID. How many people are in the State of Wisconsin?

Mr. FEINGOLD. Over 5 million.

Mr. REID. In the State of Nevada, we have about 2 million people. The last Senate election I was involved in, less than 2 years ago, in the small State of Nevada, in which at that time there weren't 2 million people, the two candidates, the Republican candidate and Democratic candidate, spent over $20 million. Is the Senator aware of that?

Mr. FEINGOLD. I believe the Senator has shared that with me before, but it is a horrifying number for any State, let alone a State the size of Nevada.

Mr. REID. That doesn't count independent expenditures. No one knows what they are.

Mr. FEINGOLD. We know about some of them, but there are whole categories, such as these 527s, we are not even sure where they came from or exactly how much is being spent.

Mr. REID. Again, I hope the Senator from Wisconsin understands the great contribution he has made to the Senate, to the State of Wisconsin, and the American people for not letting this issue die.

Mr. FEINGOLD. I thank the Senator from Nevada. That kind of encouragement is helpful because it is sometimes a lonely issue. What I have found most effective in talking to people, if you mention the issue of campaign finance reform in general, to use that term, or in the abstract, it is clear to people you are trying to do something that is important. But if you want to make it concrete for them, you have to show the connection between all that money and particular bills coming through here that really don't belong here. This is a great example, the estate tax. The idea that we give this huge tax break to a very few people when there are all these other priorities raises the question in people's minds: Why would elected officials do such a thing? I believe part of the answer is there is just too much money behind this bill.

Mr. REID. I want to ask two additional questions on the Senator's time. First of all, is the Senator aware that this matter now before the Senate has not had 1 minute of hearings in the Senate before the Finance Committee, the committee of jurisdiction?

Mr. FEINGOLD. I was not aware it was quite that bad. I knew it had been very little. It came straight through from the House, as I understand.

Mr. REID. I think in the same breath we mention the Senator from Wisconsin, it is fair to also talk about a real lone ranger, for lack of a better description, on the other side. That is the Senator from Arizona, JOHN MCCAIN, who has stood shoulder to shoulder with the Senator from Wisconsin. He has not had the support of his Republican colleagues as Senator FEINGOLD has had on the Democratic side. Does the Senator from Wisconsin agree that the Senator from Arizona has shown courage not only as a prisoner of war and as a fighter pilot but also his courage on this issue of campaign finance?

Mr. FEINGOLD. All of us who work on the issue with him consider him our commander, in effect. We, of course, are well aware not only of the fact that he worked so hard on this issue for years before his Presidential campaign, but he is also doing a tremendous job of channeling enthusiasm from his campaign into actually getting things done on campaign finance on the floor. That is how the 527s got through. Thanks to my colleagues from the other side of the aisle, about whom we often have to talk in less than positive terms on the campaign finance issue, almost every one of them supported us at least on that issue. We are hoping that will lead to a momentum to actually ban soft money and go beyond that. I thank the Senator from Nevada for his questions.

To conclude, we will vote on priorities. We will vote on which is putting first things first: paying down the debt to help Social Security and Medicare or cutting taxes for the super-wealthy.

We will afford the majority a number of opportunities to let us know how wealthy one has to be before even the majority considers one superwealthy. As I said earlier, I am looking forward to offering an amendment that would simply maintain the estate tax on estates of $20 million or more, and preserve those funds to pay down the debt to help Social Security and Medicare.

But if that amendment should not succeed, then I look forward to offering an amendment that would simply maintain the estate tax on estates of $100 million or more, and preserve those funds to pay down the debt to help Social Security and Medicare. If the majority does not consider estates of $20 million to be the super-wealthy, then perhaps they will agree that those worth $100 million are superwealthy.

If that amendment should not succeed, then I could have another that would maintain the estate tax on estates of a billion dollars or more, and preserve those funds to pay down the debt to help Social Security and Medicare. If the majority does not consider estates of $20 million to be the superwealthy, and does not consider estates of $100 million to be superwealthy, then perhaps they will agree that those worth a billion dollars deserve the title ''superwealthy.''

Ironically, some will then charge us on this side of the aisle with holding up the estate tax bill. But it is not we, but the majority who are thwarting the enactment of estate tax relief by clinging to their extreme repeal plan.

The choice for the majority is clear: The majority can persist in the political exercise of advancing the extreme bill that we are considering today. Or they can enact fiscally-responsible estate tax reform with overwhelming bipartisan majorities.

The opportunity is theirs to take, or to squander.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the order of speaking be that Senator SESSIONS be recognized for 15 minutes, Senator KYL for 15 minutes, and following that, Senator MURKOWSKI for 10 minutes. Then we would go to a Democrat at that time. I ask unanimous consent that be the order.

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

Mr. REID. As a matter of parliamentary procedure, I ask the Chair this: I

direct this comment more to the staff through the Chair. Maybe they can find out the leader's intention. Are we going to keep working after 6:30, or are we going to defense? We have a number of speakers lined up. When we learn what is going to happen, we can better arrange the order of speakers.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. SESSIONS. Mr. President, I believe it is time for us to quit nibbling around the edges and to eliminate the estate tax on the American people. It is an abysmal tax. It is an unfair tax. It taxes people on money they have already made. They pay taxes on that money. Then, after that, they may invest and buy property. When they die, the tax man reaches in and grabs up to 55 percent of the value of that estate. That is an astounding fact. The Federal Government is taking 55 percent from people for this tax. A majority of the people who have an estate have to go through the estate tax computation. It is an unfair tax.

I believe we ought to reduce taxes across the board. I was a leader and fought hard for the $500-per-child tax credit for middle-income American families. I think that was one of the finest things we ever did. It provided $1,500 in extra money —without taxes— for a family of three. That is $100-plus a month they can spend on their children. I supported equality in making insurance premiums deductible that don't apply to small businesses. We fought for the capital gains tax reduction. People said that was a tax for the rich. When we reduced the capital gains tax, more people were willing to buy, sell, and trade properties, stocks, and other things, and they paid more taxes. Revenues to the Government went up.

We will talk about the marriage penalty. It is absolutely unjustifiable to raise taxes on a couple who are married by $1,400 a year—$100 a month for a man and woman who are out working. When they get married, they have to pay more in taxes than if they lived single. It pays a bonus, in effect, for people who get a divorce. That is not the kind of public policy we ought to have. I want us to remember that nearly 70 percent of the American people oppose this estate tax. They know it is unfair and it ought to be eliminated.

I want to share a few insights into this subject, other than discussing the matter in general. I have had the opportunity to meet with people from Alabama—environmental experts—who shared with me that with regard to landowners and timber owners, the estate tax is one of the single most damaging environmental pieces of legislation that exists. They tell me that routinely, people who inherit timber land and property who owe large amounts of taxes have to go out and prematurely clear-cut the timber on the property and sell it to pay the estate tax. When you are talking about a 55-percent tax, what are you going to do if you are the widow or child of a person who worked and saved all his life and did everything right? You have to sell off the property or cut the timber—every stick of it—to pay the tax man in Washington. That is not good for families and for the environment.

The estate tax hurts farmers. Farmers are particularly property wealthy, but cash poor. They take what they have and plow it back into their land and equipment. When they die, they may have a very large tax burden. Perhaps they are making only a small amount on each acre they farm, but they are making an income from it. But maybe the problem is the land now is next to an interstate and the land now would be good for a motel and they want to value it at $100,000 an acre. All of a sudden, they are multimillionaires, and the family is hit for $1 million or $2 million or $5 million in taxes.

The farmers in this country are universally opposed to this tax. Every farm organization in my State tells me every time I meet with them, ''Eliminate this estate tax, JEFF, whatever you do. That is rotten and we need to get rid of it.'' That is driving the issue before us today.

This tax savages small business. Every generation of farmers and small businesspeople have a debt. That business or family must absorb the cost of paying the estate tax. No such tax falls on the large, mega corporations, the giant international, multinational corporations. They never die. They never pay this tax. But every generation of small business has to face it. Every generation of farmers has to face it. Is it any wonder why large paper companies can buy up thousands of acres of land that have to be sold off by farming families who can't afford to pay the taxes on it, and then they never pay that tax? This is not a good tax for this country. It is wrong for this country. It punishes middle America, those who have done the right things by saving and accumulating some wealth.

This kills off competition. I know the story of an autoparts company. The family had built up an autoparts dealership. They had maybe as many as 27 stores; they were all about the State. You could see those companies there and they were growing. All of a sudden, the father who owned the company died, and they were faced with a huge tax burden. What could they do? They could borrow millions of dollars to pay the tax man, they could sell off a large part of their stores but lose the advantages of scale that they were gaining by growing and getting competitive with bigger companies, or they could sell out. The company family had to make a decision.

They sold the company to a major national autoparts company, and everybody would recognize their name. That large company would never be faced with that kind of capital crisis as a result of a death. But the smaller companies are. Maybe, just maybe, that 27-store autoparts company would have continued to be able to grow. Maybe, just maybe, they would not have had to shut down the distribution center in the small town in Alabama, as they did when it sold out to the big corporation. Maybe they could have grown and become a competitor to the major parts company distributing in this country and provided more competition, driving down the price of autoparts for the average American citizen who is out to buy what he needs to fix his automobile, truck, or farm equipment.

I think this thing has to be viewed in the overall context of how it impacts economic growth and competition in this country. I believe we need to make sure that we have not ingrained in our law a tax that reaches down, and when you have a big bush, a big growth of a plant that is growing big, maybe it is a Wal-Mart or Kmart or maybe a Car Quest, and it is getting bigger and bigger, and this little plant grows up and starts competing with it and gets a little sunlight and starts getting bigger, all of a sudden, somebody comes out and cuts the top off of it. That is what the estate tax does; it cuts the top off of small businesses. It savages them and makes them less competitive against the international, multinational, mega corporations. It is an anticompetitive act.

I believe we ought to do something about it. It brings in less than 2 percent of the income to this country. I reject this demagogic attack that because somebody made $20 million, they are somehow evil and rich and ought to be made to pay a huge amount of tax on that money. Well, it was said the Republicans are for this bill. It is a Republican idea and that is all bad. But in the House, even though those Democratic Representatives were under the most intense pressure from their leadership to hang to the party line, 65 of them rejected the pressure and stood firm and voted to completely eliminate this tax.

I think that shows it is not limited to a Republican idea. It is a broad bipartisan idea that has the overwhelming support of the American people. We only do it on estates of $20 million or more. I want to talk about that directly.

They say: Well, for an estate of $75 million, we ought to have no sympathy for them. We ought not to feel any concern that the tax man takes 55 percent of it. What is 55 percent of $75 million? It is $40 million. Who says it is fair to take $40 million of an estate that somebody has worked all of their life to build up with after-tax money, and you are just going to rip it out and send it to Washington? I don't believe that is just.

Again, those are the kinds of companies and businesses that are getting competitive. They have the ability to compete in the marketplace. If we savage them, we are knocking down small industries and businesses that might be

competitive against the established order.

I think it is healthy for America to have growing companies worth $100 million or $150 million. I see no need to attack them when we don't attack Wal-Mart, Kmart, or GM, and Nestle's, and those kinds of companies.

Now we hear this talk about Social Security. Oh, yes, if we vote to eliminate the estate tax, we are going to oppose Social Security.

Let me tell you that we are going to protect Social Security. We are not going to allow Social Security to fail. We support it on this side of the aisle. We fought aggressively for a lockbox to lock up any Social Security surplus and guarantee it would not be spent by the big spenders that are here. The Democrats across the aisle opposed it and would not allow us to pass that bill. We set it aside anyway. But we don't have the protection to do it year after year as we would if we had passed a lockbox.

Why wouldn't they support that, if they like Social Security so much? The reason is they want more money to spend, spend, spend. That is the mentality—spend, spend, spend; ask for more votes for the people to whom you give money, and keep them in power year after year. By the way, we know more in Washington how to spend your money than you do.

Make no mistake, this is a classic case of taxes and who has the power. You give more money to the Federal Government and have less for yourself. Then the Government is empowered and you are diminished.

We ought to ask ourselves: How is it that the percentage of the total gross domestic product that goes to the Federal Government since President Clinton took over in 1992 has gone from 17.9 percent to 20.7 percent, higher than at the peak of World War II?

To say we can't conduct our business, take care of the needs of this country, and keep that tax rate from rising every year and the rising percentage of money going every year to Washington is a mistake. It is a fundamental choice that we as Americans have to make. Will we continue to allow the erosion of the independence, freedom, and autonomy of individual American citizens to be eroded in favor of a bloated and growing political Washington establishment?

Those are the choices we are dealing with. We ought to eliminate bad taxes. This estate tax is one of the worst. It costs an incredible amount for the Federal Government to collect. It costs an incredible amount for the families who have to go through the estate tax process to have to try to figure out ways to create trusts and so forth to minimize it. It is extremely painful to families. It brings in less than 2 percent of our national budget. Let's get rid of the tax. Let's not keep it anymore. Let us reject this cause that we are going to eliminate it for some but we are going to keep it on these other groups that make $20 million because they are evil, and we can take 55 percent of their money; that is all right. I don't believe that is a legitimate principle on which to operate.

I believe the tax rate ought to be fair. We have increased our Federal maximum tax rate on the wealthy now to 39 percent of what they make. That is a high amount—39 percent of everything somebody makes at the margin. Why do we now need to reach into the grave and take out what they have accumulated after paying those taxes?

I think we are going to eliminate this tax sooner or later. The American people support it overwhelmingly. The farmers and the small business groups support the elimination. So do the American people.

I would like to express my appreciation to Senator JON KYL for his leadership in consistently, effectively, and brilliantly promoting this legislation from the beginning.

We are at a point where we are going to bring it up for a vote. We had to have cloture to get it here. I appreciate that the majority leader has favored that. I look forward to hearing the Senator from Arizona's remarks at this time.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Arizona is recognized.

Mr. KYL. Thank you, Mr. President. I thank the Senator from Alabama for his kind remarks.

Mr. President, I heard some astonishing claims this morning and somewhat this afternoon. I would like to try to respond to some of the things that have been said by some of our friends on the other side of the aisle.

Let me, first of all, note for those who might be watching this that the primary object of those on the minority side is to stop us from having a vote on the repeal of the death tax. That is the last thing in the world they want. That is why they are trying to confuse the issue by suggesting that they want to offer all kinds of amendments that have nothing whatsoever to do with the death tax in order to prevent us from ever getting to a vote on the death tax.

When we keep talking about cloture, I will explain to those who aren't familiar with Senate terms that it is required because the distinguished minority leader will not reach an agreement with the majority leader on the terms under which we could bring this up for a vote. So we have to get 60 Senators who will agree to finally bring this matter to a close so we can actually have a vote. That will be a very important vote. Whether or not we get 60 votes, we don't know. But I am counting on a great deal of bipartisan support because we have bipartisan support in the House of Representatives which voted overwhelmingly for H.R. 8, which is the bill before us. There are nine Democratic sponsors of the Kyl-Kerrey bill, which is part of H.R. 8. That is the bill we introduced to repeal the death tax which was then incorporated in the House bill.

Just a quick reminder that the House bill and what we are debating here today will reduce the rates over a 10-year period and in the tenth year repeal the estate tax altogether by, in effect, replacing it with a capital gains tax. That is one of the points I will get to later. We are not forgoing all of this revenue, as people on the other side of the aisle have argued.

Actually, the taxes that will be collected when property is eventually sold and taxed under capital gains is just about the same amount that would be collected under the death tax. Anyway, chances are there won't be much revenue lost, even if that is a concern in this era of many hundred-billion-dollar surpluses. I want to start with those particular comments.

As I said, I was astonished by some of the claims made here. Let me mention two:

One by the Senator from North Dakota, Mr. DORGAN, who in effect said that the estate tax should be imposed on successful people as the price for the privilege of living in America and making a lot of money.

That turns the American dream on its head. The American dream, as I understand it, and as folks with whom I have talked in Arizona understand, is being able to work hard, to save, to invest, and to be able to create a situation where the next generation can have a little better opportunity than you had. That is the American dream. We all live for that, for our kids and our grandkids. It is exactly the opposite as expressed by some on the other side—that if you are successful, by golly, the Government is going to come in and take it all from you. No, excuse me—take half it from you when you die. First, they are not taking it from you. They are taking from your employees, from your kids, and from your grandkids. That is not fair. That is not the American dream.

The Senator from California, Mrs. BOXER, employing some of the new Gore rhetoric, said it all boils down to a question of, Whose side are you on? Well, I will accept that challenge. Whose side are we on here?

Mr. President, I have a list of about 100 different organizations that strongly favor the repeal of the estate tax. I ask unanimous consent that this list be printed in the RECORD.

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

FAMILY BUSINESS ESTATE TAX COALITION MEMBERS

Air Conditioning Contractors of America.
Akin, Gump, Strauss, Hauer & Feld, LLP.
American Alliance of Family Business.
American Bakers Association.
American Consulting Engineers Council.
American Dental Association.
American Family Business Institute.
American Farm Bureau Federation.
American Forest & Paper Association.
American Horse Council.
American Hotel and Motel Association.

American Institute of Certified Public Accountants.
American International Automobile Dealers Association.
American Sheep Industry Association.
American Soybean Association.
American Supply Association and American Warehouse Association.
American Trucking Association.
American Vintners Association.
American Wholesale Marketers Association.
The Association For Manufacturing Technology.
Amway Corporation.
Arnold & Porter.
Associated Builders and Contractors.
Associated Equipment Distributors.
Associated Equipment Distributors.
Associated Specialty Contractors.
Boland & Madigan, Inc.
Building Service Contractors Association International.
Chwat and Company, Inc.
Clark & Weinstock.
Collier, Shannon, Rill & Scott.
Communicating for Agriculture.
Davis & Harman.
Duffy Wall & Associates.
Families Against Confiscatory Estate & Inheritance Taxes.
Farm Credit Council.
Florists' Transworld Delivery Association.
Food Distributors International.
Food Marketing Institute.
Forest Industries Council on Taxation.
Guest & Associates, LLC.
Hallmark Cards, Inc.
Hogan & Hartsen.
12AAK Walton League.
Wildlife Society.
Quail Unlimited.
Wildlife Management Institute.
International Association of Fish & Wildlife Agencies.
Hooper, Hooper, Owen & Gould.
Independent Bakers Association.
Independent Bankers Association of America.
Independent Forest Product Association.
Independent Insurance Agents of America.
Independent Petroleum Association of America.
Institute of Certified Financial Planners.
International Council of Shopping Centers.
International Warehouse Logistics Association.
Lake States Lumber Association.
Land Trust Alliance.
Marine Retailers Association of America.
McKevitt & Schneier.
Miller & Chevalier.
Mullenholtz & Brimsek.
National Association of Plumbing-Heating-Cooling Contractors.
National Association of Conveniences Stores.
National Association of Realtors.
National Association of Wheat Growers.
National Association of Manufacturers.
National Association of Wheat Growers.
National Association of Music Merchants.
National Association of Wholesaler-Distributors.
National Association of State Departments of Agriculture.
National Association of Temporary and Staffing Services.
National Association of the Remodeling Industry.
National Association of Home Builders of the United States.
National Association of Beverage Retailers.
National Automatic Merchandising Association.
National Automobile Dealers Association.
National Beer Wholesalers Association.
National Cattlemen's Beef Association.
National Corn Growers Association.
National Cotton Council of America.
National Council of Farm Cooperatives.
National Electrical Contractors Association.
National Electrical Contractors Association Incorporated.
National Farmers Union.
National Federation of Independent Business.
National Funeral of Independent Business.
National Funeral Directors Association.
National Grange.
National Grocers Association.
National Hardwood Lumber Association.
National Licensed Beverage Association.
National Marine Manufacturers Association.
National Milk Producers Federation.
National Newspaper Association.
National Pork Producers Council.
National Precast Concrete Association.
National Restaurant Association.
National Retail Federation.
National Roofing Contractors Association.
National Rural Electric Cooperative Association.
National Small Business United.
National Telephone Cooperative Association.
National Tooling & Machining Association.
Neece, Cator, McGahey & Associates.
Newsletter Publishers Association.
Newspaper Association of America.
North American Equipment Dealers Association.
Northwest Woodland Owners Council.
O'Brien Calio.
Patton Boggs, LLP.
Petroleum Marketers Association of America.
Printing Industries of America.
Rae Evans & Associates.
Reed, Smith, Shaw & McClay.
Safeguard America's Family Enterprises.
Sheet Metal and Air Conditioning Contractor's National Association.
Small Business Legislative Council.
Southeastern Lumber Manufacturers Association.
Steptoe and Johnson.
Sullivan & Cromwell.
Tax Foundation, Inc.
Texas and Southwestern Cattle Raisers Association.
The Associated General Contractors of America.
The Employee Stock Ownership Plan Association.
The Heritage Foundation.
The Jefferson Group, Inc.
The Society of American Florists.
Tire Association of North America.
U.S. Apple Association.
U.S. Business & Industrial Council.
U.S. Chamber of Commerce.
U.S. Telephone Association.
United Fresh Fruits and Vegetable Association.
United States Business and Industrial Council.
Washington Council, P.C.
Wine and Spirits Wholesalers.
Wine and Spirits Wholesalers of America.
Wine Institute.
Harry C. Alford, Jr., President & CEO, National Black Chamber of Commerce.
Peter Homer, President & CEO, National Indian Business Association.
Ricardo C. Byrd, Executive Director, National Association of Neighborhoods.
John White, President, Texas Conference of Black Mayors.
U.S. Hispanic Chamber of Commerce.

Mr. KYL. I will not read the entire list. It includes not only organizations that we are familiar with such as the American Farmer Bureau Federation, the National Federation of Independent Business, the National Newspapers Association, the Small Business Legislative Council, and groups similar to that. It also includes groups such as the National Black Chamber of Commerce, the National Indian Business Association, the National Association of Neighborhoods, U.S. Hispanic Chamber of Commerce, the Texas Conference of Black Mayors. Also, environmental organizations such as the Wildlife Society, the Isaak Walton League, Wildlife Management Institute, International Association of Fish and Wildlife Agencies, and more.

Whose side are you on? We are on the side of the American people who believe, by percentages of 70 to 80 percent, the death tax ought to be repealed. That is whose side we are on. If we could ask the American people, 70 percent to 80 percent of whom believe this ought to be repealed, how do they vote, they vote to repeal it. That is whose side we are on.

The second point was, we should soak the rich; after all, they can afford it. There was a suggestion by Senator FEINGOLD a moment ago that, after all, this property never gets taxed unless we can tax it at the time of death. That is not what this bill says. We replace the death tax with the capital gains tax. Death is taken out of the equation. There is no tax when someone dies. But when the heirs decide to sell the property, if they ever do, they pay a capital gains tax, as the original owner would. They pay it on the basis of the original owner's cost in that.

This is why, according to the President's own budget, the Analytical Perspective of the Budget of the United States, for this next fiscal year, notes that the step-up basis of capital gains on at death—the current law—in effect costs the Federal Government almost $153 billion over a 5-year period. That is about the tax collections from the inheritance tax.

While I am not suggesting this is going to be a complete wash, I am suggesting there is not going to be all that much revenue lost to the Treasury, if you are concerned about that and with multihundreds of billions of dollars of surplus. I am not concerned about revenue to the Treasury. If that is your concern, be not concerned. According to the President's own budget, the step-up in basis loses the Federal Government about $153 billion. If you calculate the amount of the estate tax that will be collected over 5 years, it is not a great deal more than that.

What is this business of step-up in basis? Senator FEINGOLD said this property is never taxed and that is why we have to have a death tax. It is taxed. First, your income is taxed. You are then going to buy things with it. You buy stock; you will invest in other kinds of investment. Of course, you spend a great deal of it. Whatever you spend, you are spending with after-tax

dollars. It has already been taxed. However, if you want to tax it again, the fair way to tax it again is not at death, over which the decedent has no control, but rather as a capital gain by the individual or people who end up selling the asset, if and when they sell. That is an economic decision taking tax consequences into account. That is what we do here.

I am afraid some on the other side have not read the bill. What it does is, in effect, replace the estate tax with a capital gains tax. But a 20-percent capital gains rate is a whole lot better than a 55-percent death tax rate. The voluntary decision to sell the property and accept that tax burden is a whole lot more fair than having to pay the tax at death. This is not property that is not being taxed and, in fact, it is taxed as a result of the way we have structured this legislation.

Let me make another point about soaking the rich. It is simply not the case that it is the wealthiest estates that are paying most of the estate tax. I ask unanimous consent that an op-ed piece by Bruce Bartlett, appearing in the Washington Times, be printed in the RECORD.

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

[From the Washington Times, June 19, 2000]

THE REAL RAP ON DEATH AND TAXES

(By Bruce Bartlett)

On June 9, the U.S. House of Representatives voted to abolish the estate and gift tax in the year 2010. Predictably, liberals denounced the action in the strongest possible terms. Bill Clinton called it ''costly, irresponsible and regressive.'' The New York Times said, ''Seldom have so many voted for a gargantuan tax cut for so few.'' Robert McIntyre of the far-left Citizens for Tax Justice told CBS News that supporters of repeal have done nothing but lie about their plan, which he views as nothing but a giveaway to the ultrawealthy.

The truth is that the burden of the estate tax falls primarily on modest estates, not those of the Bill Gates and Warren Buffets of the world. The latest data from the Internal Revenue Service tell the story. In 1997, more than 50 percent of all estate and gift taxes were collected from estates under $5 million. Only 20 percent came from the very wealthy, those with estates of more than $20 million.

Furthermore, the effective tax rate (net tax as a share of gross estate) is significantly higher for estates between $5 million and $20 million than on those of more than $20 million. An estate between $2.5 million and $5 million actually pays a higher rate than that paid by estates of more than $20 million—15 percent for the former and 11.8 percent for the latter.

How can this be the case when estate tax rates are steeply progressive, taxing estates of more than $3 million at a 55 percent rate? The answer is that estate planning can eliminate the tax if someone wants to spend sufficient time and money setting up trusts and organizing one's affairs for that purpose. Those with great wealth are far more likely to engage in estate planning than a farmer, small businessman or someone with a modest stock portfolio. Hence, the heaviest burden of the estate tax falls not on the very wealthy, but the slightly well-to-do.

The government gets more than two-thirds of all estate tax revenue from estates under $10 million. The idea that taxing the stuffing out of such estates does anything to equalize the distribution of wealth in America is ludicrous. All it does is prevent those with modest assets from becoming wealthy. Academic research has shown that estate taxes squeeze vital liquidity out of small businesses, often forcing them to sell out to larger competitors. Thus the estate tax makes it more difficult for small firms to grow and become large.

Of course, the same people who support high estate taxes also support aggressive use of the antitrust laws to break up big businesses like Microsoft because they lack competition. Yet the estate tax destroys many potential competitors in their cribs, before they are strong enough to challenge entrenched corporate elites.

One could, perhaps, make a case for a heavy estate tax if there were evidence a large share of the nation's wealthiest families got that way through inheritances. But this, in fact, is not the case in America and never has been. A 1961 study by the Brookings Institution found that only 6 percent of the wealthy acquired most of their assets through inheritance. Sixty-two percent reported no inheritances whatsoever.

A 1995 study by the Rand Corp. got similar results. It found that among the top 5 percent of households, ranked by wealth, inheritances accounted for just 8 percent of assets. A 1998 study by U.S. Trust Corp. found that among the wealthiest 1 percent of Americans, inheritances were a significant source of wealth for just 10 percent of them.

The truth is that most of the wealthy in America—even the billionaires—made it themselves. They weren't born with silver spoons in their mouths, living off the industry of their parents or grandparents. Most of the very wealthy got that way because they started businesses and took enormous risks that paid off. According to the latest Forbes 400 list of America's wealthiest people, 251 were self-made.

And among the modestly wealthy, with fortunes in the low seven digits, many got that way simply because they saved and invested for retirement the way all financial advisers say people should. The T. Rowe Price website, for example, advises that people need $20 in saving for every $1 they will need in retirement over and above Social Security. This means that to have $50,000 per year in retirement income a couple will need $1 million in assets.

It simply defies logic to tell people they need to save for retirement and then punish them for doing so by threatening to confiscate their estates after death. And it is absurd to tell such people they are the unworthy rich, who merely won life's lottery, when every penny they have came from their own hard work and investment. Yet that is what those fighting estate tax repeal are doing.

If it were only the very wealthy supporting estate tax repeal, there is no way estate tax repeal would have garnered 279 votes, including 65 Democrats. It is precisely because the estate tax is more of a tax on the middle class than the left believes it to be that the repeal effort has gotten so far. It is not Bill Gates and Warren Buffet out there pushing for repeal, but ordinary Americans who just don't want the Internal Revenue Service to be their estate's primary beneficiary.

Mr. KYL. I will read from part of this piece. He is a senior fellow with the National Center for Policy Analysis.

The latest data from the Internal Revenue Service tells the story. In 1997, more than 50 percent of all estate and gift taxes were collected from estates under $5 million. Only 20 percent came from the very wealthy—those with estates more than $20 million.

He goes on:

An estate between $2.5 million and $5 million actually pays a higher rate than that paid by estates of more than $20 million—15 percent for the former and only 11.8 for the later.

How can this be, he asks, when estate tax rates are steeply progressive, taxing estates of more than $3 million at a 55-percent rate? The answer is, that estate planning can eliminate the tax if someone wants to spend enough money and enough time in setting up trusts and organizing one's affairs for that purpose.

Those with more wealth obviously take advantage of that, whereas the small farmer, the small businessman or someone with a modest stock portfolio is not going to do it, and, in fact, doesn't, according to the statistics. The Government gets more than two-thirds of all estate tax revenue from the estates under $10 million. The idea that taxing the stuffing out of such estates does anything to equalize the distribution of wealth in America, he says, is ludicrous. All it does is prevent those with modest assets from becoming wealthy. Academic research has shown that estate taxes squeeze vital liquidity out of small businesses, often forcing them to sell out to larger competitors.

I told the story earlier in this debate about a family in Arizona in which that is precisely what happened.

Thus, he concludes, the estate tax makes it more difficult for small firms to grow and become large.

He makes another point:

One could, perhaps, make a case for a heavy estate tax if there were evidence that a large share of the nation's wealthiest families got that way through inheritances. But this, in fact, is not the case in America and never has been. A 1961 study by the Brookings Institution found that only 6 percent of the wealthy acquired most of their assets through inheritance. Sixty-two percent reported no inheritance whatsoever.

A 1995 study by the Rand Corp. got similar results. They found among the top 5 percent of households, ranked by wealth, inheritance accounted for just 8 percent of assets. A 1998 study by U.S. Trust Corp. found among the wealthiest 1 percent of Americans' inheritances were a significant source of wealth for just 10 percent of them.

He concludes his piece with this:

It simply defies logic to tell people they need to save for retirement and then punish them for doing so by threatening to confiscate their estates after death. It is absurd to tell such people that they are the unworthy rich who merely won life's lottery, when every penny they have has come from their own hard work and investment. Yet that is what those fighting estate tax repeal are doing.

It is precisely because the estate tax is more of a tax on the middle-class that the left believes it to be that the repeal effort has gotten so far.

It seems to me, that the argument we have to keep this because it is important to soak the rich flies in the face of the studies I have cited. It is not the rich, in fact, who are getting soaked.

There has also been a suggestion, and Senator DORGAN made the point, there

are all kinds of ideas for how to spend the money collected by this tax. I am sure those who like to tax and spend, who like to redistribute wealth, who believe in the liberal class warfare rhetoric, will find lots of ways to spend money. As I pointed out, we already have a huge surplus. This doesn't even make a dent in it.

Their argument is, therefore, we ought to be voting on other issues rather than voting on this. One of them was we should vote on the Patients' Bill of Rights. We already voted on the Patients' Bill of Rights. The other side lost. They don't like to accept the fact they lost, but it is called accept majority rule. That is what democracy is all about.

They also want to vote on drug benefits. We are going to have votes on drug benefits.

Everybody in America understands that you do things in order. The House passed the estate tax repeal. It is now before the Senate. Let's get it done and then we can take up that other legislation the other side wants to take up. It will be taken up. Let's do this now.

What is the reason not to? It all boils down to politics. That is the unfortunate proposition.

There is another point I find very interesting.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. KYL. Mr. President, I will make this point briefly. One of the alternatives suggested by the other side is to increase the amount of the exemption. The problem with that is there has never been a way to define who qualifies for the exemption in a simple enough way for it to be effective. In fact, we have a lot of tax experts who point out that few people are able to take advantage of the exemption today because it is just too difficult with which to comply.

In fact, the American Bar Association condemned it because it, in effect, created too much malpractice risk for lawyers who could not figure out how to make it work for their clients. It is considered the most dangerous section of the tax law because of the risk of malpractice claims.

I point out that currently there are 149 tax cases that have been decided and reported involving issues relating to section 2032A. The IRS has challenged the validity of section 2032A in estate planning, and the IRS has won approximately two-thirds of those cases.

Now section 2057, the successor, is the most dangerous and, if changed as suggested here, is going to be even worse, but it will, of course, create billions of dollars in legal and accounting fees. That is not what we should be all about, Mr. President. We should be about saving money for those who would no longer have to spend all of these millions of dollars to plan against the possibility of the estate tax. That is a huge amount of money that could be saved, about as much as is paid in estate taxes, by the way, and we can get back to a situation which is fair; namely, there will be a tax, but it will be a tax when the property is sold, not when the death occurs.

That is the basic fairness of this proposition. That is why I urge my colleagues to vote for cloture so we can vote for H.R. 8 and repeal this unfair death tax.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized for 10 minutes.

Mr. MURKOWSKI. Mr. President, I compliment my friend from Arizona for his forthright address on this very important subject that certainly needs to be resolved by this body.

As we continue the debate on repealing the death tax, there is a fundamental question to which we all must respond: Should the Federal Government have the right to confiscate as much as 60 percent of the assets that an individual or family business has built over a lifetime?

That is what this debate is all about, not the class warfare arguments we have heard from the other side, to a degree.

In my view, whether the estate tax is 60 percent or 40 percent or 20 percent, the estate tax is morally indefensible. It causes businesses that have been developed over a lifetime of hard work and sacrifice to be broken up just so Uncle Sam can take what some think is the Government's rightful share of that business.

I ask another question: Why do we have an estate tax? It may be interesting to go into the background. The reason is quite simple. Up until 1913, the Federal Government was primarily financed by tariffs. Estate taxes were periodically imposed to primarily finance wars or the threat of a war. For example, to finance the Spanish-American War, the Federal Government imposed a temporary estate tax in 1898. It was repealed in 1902. With the advent of World War I and the drop in tariff revenue, Congress adopted an estate tax with rates ranging from 1 percent to 10 percent.

What must be recognized about the estate taxes adopted in the 19th and early 20th centuries is the simple fact that there were no Federal income taxes to finance the Federal Government at that time. So the Government looked at estate taxes. As a result, all of the wealth that accumulated in estates had never before been taxed.

By contrast, when an individual dies today, his or her estate consists of assets that have been built with aftertax money. The elderly woman who dies with several hundred thousand dollars worth of Treasury notes in her estate has paid Federal income taxes every single year on those notes. The businesses that have been built up over a lifetime have paid income taxes and, in many cases, have paid corporate taxes to the Federal Government. Why, after accumulating wealth and having paid income taxes on that wealth, does the Federal Government have the right to confiscate that wealth? I do not think it has that right.

While I believe this is a moral question, I also look at the realities of estate planning and conclude that when confronted with an unfair and confiscatory tax system, Americans overwhelmingly reject the idea that the Government has such a right.

With proper estate planning, it is clear that many Americans can structure their affairs in such a way that they can entirely avoid paying any estate taxes. In fact, of the estates valued at more than $600,000, more than half, or 55 percent, paid not a single dollar in estate taxes. Of the richest Americans, those with estates valued over $20 million, nearly one-third paid no estate tax.

It seems to this Senator that the estate tax has become a bonanza for estate planners and tax accountants and an unfair and onerous burden to the small businesses and farmers of America who do not have the resources nor the time to take advantage of sophisticated estate planning schemes. As a result, more than 60 percent of the burden of the estate tax falls on estates valued at $5 million or less.

As my colleagues know, the primary asset in many of these smaller estates is the family business, whether a small retail or wholesale operation or a family farm. When it comes time to pay the estate tax, many of these family businesses are forced to liquidate a portion of the business or even, in some cases, the businesses themselves; or sell the farm to basically pay the taxes. That is unconscionable especially when it has taken decades to build a business.

The ability to pass on the assets that have been built up over a generation to another generation is made unrealistic by the tax burden associated with the estate tax and, in the case of those who have not been fortunate enough to do estate planning, many of these people feel they have been unjustly penalized by their Government, and I agree with them. When it comes time to pay the estate tax, many of these family businesses, as I have indicated, are forced to liquidate.

The other option for many of these businesses is to saddle a business with a large debt to pay the tax. This only heightens the cash-flow problems that many small businesses confront as a matter of everyday activity.

Of course, when sophisticated estate planning is available, many of these small business estate problems would undoubtedly go away, but then we as policymakers should ask ourselves: What is the sense in constructing a tax that primarily produces a livelihood to those who can advise others on how to avoid the tax?

I will repeat that because I think it bears a little reflection. We as policymakers really must ask ourselves: What is the sense in constructing a tax that primarily provides a livelihood to

those who can advise others on how to avoid the tax? It is a bit ironic.

The time for the death tax has passed. I hope we will not see a filibuster of this measure that will help maintain the growth and development of our dynamic economy and protect the small businesses that are the backbone of our Nation.

Seeing no other Senator seeking recognition, 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. DURBIN. 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. DURBIN. Mr. President, I understand under the previous agreement that I have up to 1 hour in debate at this point?

The PRESIDING OFFICER. The Senator is correct.

Mr. DURBIN. Mr. President, for those who are following the Senate proceedings, they are probably aware of the fact that we are involved in something called a motion to proceed, which is basically an introduction or a leadup to a debate on an issue.

We are proceeding to an issue on the question of the estate tax. The estate tax has been around, I think, since President Theodore Roosevelt in the last century. It is a source of revenue for the Federal Government that is imposed on the estates of some people after they pass away.

It is the position of the Republican majority that when you come to reforming the Tax Code of America, the first and highest priority is to deal with the estate tax. The basis for that statement on my part is the fact that it is the first matter of any consequence in terms of its cost that is being brought to the floor of the Senate by the Republican leadership.

So they believe, looking at the Tax Code—that affects literally every American, every individual, every family, every business—and searching out an inequity in it, that the estate tax is the source of an inequity, an unfairness, and it should be the first thing that we address if we are going to reform the Tax Code.

That is an interesting observation because when you consider how many Americans are affected by the estate tax, it turns out that they are literally very few in number.

In 1997, the estates of fewer than 43,000 people in America had to pay any Federal estate tax. That is 43,000 people out of 2.3 million who passed away in that year. So less than 2 percent—1.9 percent—of the estates of those passing away in the year 1997 had any obligation to pay the Federal estate tax—43,000 people.

What the Republicans have suggested as a way to eliminate this estate tax is to take money out of our anticipated surplus in the budget to make sure that those 43,000 in the future will not have to pay any estate tax.

What does this cost us out of the surplus? In the first 10 years or so, the estimates are somewhere in the $100–$150 billion range. But in the next 10-year period of time, it grows dramatically, and the cost of this tax relief for literally 1.9 percent of the people who die in a given year is some $750 billion.

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

Mr. DURBIN. I am happy to yield to the majority leader.

Mr. LOTT. I apologize for the interruption, but I was going to make an inquiry about the time schedule. I heard the Senator indicate he had 1 hour under an agreement. Are there other time agreements that have been entered into on each side?

Under the rule, you can get up to an hour. So we never got a time limitation?

Then, also, I believe earlier we had indicated we would go to the Department of Defense authorization bill tonight between 6:30 but not later than 7 o'clock. Has there been any agreement with regard to that?

The PRESIDING OFFICER. The Chair is not aware of one.

Mr. LOTT. I thank the Senator for yielding so that I could get some feel for the time. I will discuss it with the leadership on the other side. I still hope that while we have had debate on both sides today, for the most part on the death tax issue, we would still be able to keep our verbal commitment to Senator WARNER and Senator LEVIN that not later than 7 o'clock tonight we will go to the DOD authorization bill and see if we can make some progress on that.

Again, I appreciate the Senator for allowing me to interrupt him to get a clarification on that. I thank the Senator.

Mr. DURBIN. Mr. President, I was happy to yield to the majority leader to clarify the procedure.

Back to the point I was making. We are dealing with an estate tax that affects very few Americans—people in higher income categories. The decision has been made by the Republican leadership in the House of Representatives and the Senate that if we are going to change the Tax Code as it affects any American, any individual, any family, any business, the first and highest—obviously one of the most expensive—priority is to eliminate this estate tax.

I find that curious because I think if you went to the American people and said to them: When it comes to the taxes that you are likely to pay in your life and those that you believe are particularly unfair, would you believe that the estate tax ranks high on that list? It is not likely they would. They may object to taxes in general. They may object to this tax in particular. But the likelihood that the average American, even one who has done pretty well in life, is going to end up paying the Federal estate tax is minimal. Less than 2 percent of those who die each year pay the tax. If a spouse dies and leaves all the property to another spouse, there is no taxable event—no Federal estate tax is paid.

When you consider the fact that 98 out of every 100 people who die each year face no Federal estate tax, the obvious question is, Why is this the highest priority when it comes to the Republican agenda for tax reform? Wouldn't you think it would be a tax that would help out a lot more people than, say, 43,000 in 1997, some of the wealthiest people in our country? Wouldn't you think it might be a tax that affects the payroll tax that hundreds of thousands of workers pay each week? Or taxes that businesses pay? Or changing our Tax Code so a businessman can offer health insurance to his employee, for example? No, it is not. It turns out, when they drew up their list of priorities, the Republican leadership came to the conclusion that the most important group to single out for assistance would be the wealthiest among us, with this estate tax.

I might tell you, this is not a cheap, inexpensive undertaking. To think we are going to spend some $750 billion for this estate tax reform that is being asked for by the Republican side means, frankly, that money will not be there to be spent for other purposes, which is the reason I am on the floor tonight to discuss this estate tax in the context of choices that are to be made, decisions that are to be made. When the Republicans drew up the line of Americans who needed help the most, they put in the front of the line, in the first place in the line, the wealthiest in our country. That is not new. That is what George W. Bush has proposed when it comes to tax cuts: First help the wealthiest. When it comes to their agenda on the floor of the Senate, the Republican leadership has said: Before you do anything else, help the wealthiest people in our society.

Frankly, I come to this argument with a different perspective. I believe our obligation is to the entire Nation, not only to those who are financially articulate; those who are the largest contributors; those who have made the most of their lives by making the most of their income. It appears that I see this somewhat differently than those who are on the Republican side of the aisle.

Let me concede at the outset that the estate tax should be changed. The estate tax, as it is currently written, has not kept pace with reality. We have not increased the exemption under that estate tax as we should have, and we on the Democratic side are going to propose, as part of a reform of the estate tax, something I think will be of great assistance to the vast majority of families who are barely qualifying to pay an estate tax.

This is what we are going to propose on the Democratic side. We are going to increase the general exemption from

$1.35 million per couple to $2 million per couple by 2002, and $4 million by 2010. That means that by 2010, if your estate is worth $4 million, you will not pay a penny in Federal estate tax. How many people will be eliminated from Federal estate tax liability because of the Democratic proposal? Two-thirds of the estates currently subject to tax would not be subject. So we are really taking those who are on the lower end of liability and removing that liability.

We go a step further because there is a legitimate concern in Illinois and around the country that many family farms, for example, cannot be passed on by a surviving spouse to the children; family businesses, small businesses that have been created cannot be passed on to children to carry on. I am sensitive to that. I have met a lot of farmers and a lot of businesspeople who have said: This is something we built our lives around, our family built their lives around. Then when we die, the value of the business is such we could not leave it to our kids.

I think we have to find a way to deal with it. The Democratic alternative does. Let me tell you how. We increase the family-owned business exemption from $2.6 million per couple to twice that of the general exemption of $4 million per couple by 2002; $8 million by 2010. The net result of it is this: This will remove virtually all family-owned farms from liability under the estate tax and 75 percent of family-owned businesses from the estate tax rolls.

I think this is a realistic and honest reform of the estate tax. I can go back to my home State of Illinois and say, for individuals as well as family farms and small businesses, we heard their pleas for assistance and relief and we responded in a way that I can defend. The cost of our approach, over a 20-year period, is some $300 billion. The cost of the Republican approach is $750 billion because, you see, they go all the way. They take the tax off virtually everyone. So if people have been so fortunate, living in this country, prospering in this country, to die with estates that are worth billions of dollars, then, frankly, the Republicans say they should not owe this country a nickel; at this point we are going to take the tax off of them; we are going to give them a tax break.

Let me show some charts to illustrate this tax and its impact. This is estates subject to the current estate tax—97 percent of the current nonfarm, non-small business estates pay no estate tax; 3 percent of small businesses and family farms might face some liability. So it is a tax, as I indicated earlier, that affects very few.

Look at this, too, in terms of the share of the estate tax burden. The bottom 98 percent of people who pass away in this country pay zero in Federal estate tax. The top one-tenth of the wealthiest 1 percent of estates in America pay 50 percent. We are talking about the highest rollers in America, the people who have done the best, who would end up paying over 50 percent of the income that comes to this country from estate taxes. Those are the people the Republicans say should be first in line when we talk about tax relief.

I see it a different way. Let me tell you some of the things we might consider doing instead of providing this kind of tax relief to people who are in such high-income categories.

We could take the difference between the Democratic and Republican plan, some $450 billion over 20 years, and pay down our publicly held national debt. I think that is of value to everybody in this country, rich and poor alike, families, individuals, businesses—big business and small business. Why? As the Government borrows money to pay down its debt, it is money taken out of the system that could have been used for the creation of businesses and capital creation. As the Government borrows money, it competes for available funds in the marketplace and raises interest rates. As we pay down our national debt, we reduce the burden of taxpayers to service that debt and, frankly, give to our children the very best legacy. We do not leave them the mortgage that we incurred for our debts during our lifetime.

Many of us believe that is a more responsible thing to do than to give a tax break under the estate tax to the wealthiest people in this country. The Republicans disagree. They say the highest priority is not bringing down our national debt; the highest priority tax relief is for people who are literally making millions of dollars a year.

Let me give an example. The Republican estate tax bill gives the Forbes magazine's 400 richest Americans, read this now, a $250 billion windfall tax break. Money that could have been spent to reduce our national debt, to say to future generations we are going to take that burden off your shoulders—instead is being given to literally the wealthiest people in America.

That is the idea of tax justice being propounded on the Republican side of the aisle. I don't think it works. I don't think it is consistent with the values and ethics of most American families.

There are other things that can be done and may not be accomplished because of this Republican strategy to eliminate the estate tax in its entirety. Let me address one that is so very important to so many people. It is the prescription drug benefit under Medicare. When the Medicare program was created in the 1960s, President Lyndon Johnson did something which literally changed America. He decided, with the help of the Democratic Congress, that we would create a health insurance plan for the elderly and disabled in America.

At that point in time, they were on their own. If they had the resources to pay for health insurance, or they were wealthy enough not to care, they were taken care of. But the vast majority of people going into retirement were really vulnerable. They no longer had a paycheck—maybe a Social Security check, but they had little else to turn to. When they faced a huge hospital bill or a doctor bill, they were on their own. So we created Medicare.

As good as Medicare has been—and it is a proven success because seniors are living longer—it didn't include prescription drugs. You know what that means today? When you go to a doctor and say, ''I don't feel well,'' the doctor says, ''Let me write out a prescription. Take the pills and see if it helps.'' So you go to the drug store and get the medicine. Maybe it will help, and in most cases it does. But the cost of those drugs continues to increase. A lot of seniors on fixed incomes can't afford to pay for the prescription drugs.

I have had hearings in the State of Illinois, and people have told stories that are sad but true, where they have had to make hard choices. There were seniors who were literally deciding whether or not to fill their prescriptions or to fill their grocery orders; seniors who would go into a supermarket and go to the pharmacy first to decide whether or not they could afford their medicine before they shopped for food; seniors who didn't fill prescriptions because they couldn't afford it, or they may take half a pill instead of what they were supposed to take because they couldn't afford to pay for the full prescription. That is a reality of life in America today.

When the Republicans say our highest priority has to be the elimination of an estate tax, which means a $250 billion windfall tax break to the 400 richest Americans, I think they have it all wrong. I think our highest priority should be a prescription drug benefit. After we have paid down this national debt, we should take a portion of it and put it in a prescription drug benefit under Medicare. That will help more people. It is certainly going to improve the quality of their lives.

If I had to list my highest priority after paying down the national debt, it would be to help with the prescription drug benefit. Now, the Republicans in the House proposed their own version of a prescription drug benefit. It is clearly something supported by the drug companies and pharmaceutical industry because it would allow them to continue to charge their high prices. What it would say is that basically they would subsidize people buying insurance to pay for their prescription drugs. But when you take a close look at it, it falls apart.

First off, the insurance industry doesn't offer that kind of prescription drug insurance by itself. If they do, it is extremely expensive. The reason they don't offer it is something called ''adverse selection.'' If you happen to be very ill and need prescription drugs, you would go and try to buy such a policy. Of course, insurance works when people who are buying the insurance include not only those who need a payout immediately, but those who are going to pay premiums regularly until

they do. Well, for that reason, the insurance industry already has said the Republican plan is not likely to ever result in any help to any senior citizens.

Plus, there are a lot of people who have misgivings about turning over prescription drugs and their future to insurance companies. They can recall what many of these same insurance companies did when it came to HMOs and managed care. They forgot about the patient and even forgot about the doctor. We had insurance clerks making decisions on health care. Frankly, the losers ended up being patients and their families.

I recall going to a hospital in Springfield, IL, and doing rounds with a local doctor. He made a decision that a woman should stay in the hospital over the weekend before important and delicate brain surgery on Monday. He had to call the insurance company in Nebraska and ask for permission for her to stay in the hospital. The insurance company clerk said: No, send her home. The surgery is not until Monday.

He said: She is elderly and frail, and she loses her balance; I don't want her to hurt herself, and I want her here Monday for this important surgery.

The insurance clerk was overruling the doctor. The doctor hung up the phone and said: Leave her in the hospital and I will appeal this later on.

That is the kind of insurance company situation the Republicans want to turn to when it comes to prescription drugs. They want these same insurance companies to decide whether or not you get your prescription drugs filled. Well, we have seen what they have done with managed care and with HMOs. It is no wonder that a lot of Americans are skeptical about the Republican approach to this. They would much rather see a plan for prescription drugs under Medicare, one that is universal and covers everybody. Medicare currently covers everybody. I also recall that in the last couple years some 1.3 million seniors have seen their Medicare HMO plans canceled by the insurance companies. So they are high and dry and are looking for insurance coverage.

When the Republicans say we can trust the insurance companies when it comes to prescription drugs and health care, human experience tells us otherwise. These companies make decisions based on the bottom line profit. These companies will cut off people in terms of their coverage when they no longer think they are turning a profit, and they will leave the people high and dry.

The other thing that is fundamentally flawed in the Republican approach on prescription drug benefits is they don't even address the question of pricing. You can create a prescription drug benefit that looks beautiful on paper. It will be easy to sit down with any number of Americans and come to that conclusion. But if you don't address the increasing cost of prescription drugs, it is a guarantee that that benefit and that program will fail. The Republicans do not even address that.

If we bring this program under Medicare, as the Democrats have suggested, we will have bargaining power. What is that worth when it comes to prescription drug benefits? You have heard stories, as I have, about people who go to Canada and buy the same drugs for a fraction of the cost in the United States. They are exactly the same drugs, made in the U.S., approved by the Federal Government, sent to Canada, where they charge a fraction of the cost. Why is this? It is because of the bargaining power of the Canadian Government. They sit down with the drug companies and they say: We are not going to agree to a price increase every month or to the prices going through the roof. If you want your drugs as part of our health care system in Canada, you will keep the prices under control.

Do you know what. The same drug companies—American drug companies—do just that. They keep prices under control in Canada, but they charge Americans skyrocketing drug prices.

The Republican plan on prescription drug benefits doesn't even address this. If you don't address the pricing of drugs, frankly, you are offering no benefit whatsoever—no prescription drug benefits. Do Americans want it? You bet they do, in overwhelming numbers. That is a high priority. But to take a look at this, the highest priority for the Republican leadership in the Senate is not prescription drug benefits for the elderly and disabled; it is the elimination of the estate tax, which gives the Forbes magazine 400 richest American families a $250 billion windfall tax break.

Which would help America more? Prescription drug benefits so seniors can remain independent and strong and healthy for a longer period of time or a windfall tax break to the wealthiest people in this country? I think the answer is obvious. But it really betrays the statement from the Republican side that they are in tune with the American people when they would come up with an estate tax change of such magnitude and which is so generous to the wealthiest among us, when the American people are looking for something much different from this Congress.

We want to make sure the drug benefit is available to everybody. We want to make sure you have your choice, that your doctor will be able to prescribe the necessary drugs for you and that they will be filled. We want to make sure that it is done under Medicare.

We think the effort of the Republicans to take this out of Medicare may be the beginning effort to basically tear down Medicare. This has never been a program the Republicans have cheered over. When we want to try to protect Medicare, it is usually a lonely voice on the Senate floor. They have not been willing to come forward. They understand it was a creation of Democratic leadership, and I guess they are not listening to their seniors and disabled at home who understand the critical importance of this program.

There are other things we can be doing in terms of the Tax Code that would help real people and families. One of them is the full deductibility of health insurance. The fact that self-employed people in this country cannot fully deduct their health insurance premiums is what I consider one of the major injustices in the Tax Code. If you start a small business and you want to provide health insurance for yourself, your family, or for some of your employees, you might find yourself in a position where you cannot deduct the full cost of the health insurance premiums from your taxes. Large corporations can; small businesses can't. Big corporations can do it; family farmers cannot.

That doesn't make any sense. It is unjust. It is a loophole in the Tax Code which should be changed to protect the small businessman and to protect the family farmer and the people who work for them.

If I draw up a list of priorities when it comes to tax reform, I don't start off with the 400 richest Americans and give them a $250 billion windfall tax break. Instead, I deal with real families, real businesses, and real people who are trying to find health insurance to cover members of their family.

I also think we should be considering a tax credit for small businesses that offer health insurance to their employees. We know in America that there are some 4 million people who have no health insurance whatsoever. I think that is a scandal. Frankly, in a nation as prosperous as we are and at a time when we are talking about literally trillion-dollar surpluses, it is incredible to me that we don't have the political will on a bipartisan basis to start talking about health insurance coverage for all sorts of American families and businesses. But we haven't done it. Instead, we hear from the Republican side of the aisle that before we talk about health insurance, before we start talking about tax credits to businesses, before we start talking about prescription drugs, let's take care of the richest people in America. That is their highest priority. That is the group they put on the front of the line. We see it differently on the Democratic side. We believe there are things we can do to improve the quality of life of many people.

Let me also tell you about another proposal on which I prepared legislation. It is called caregivers insurance. We have a plan now for children across America. Many of the States are implementing it. If children don't have health insurance, we help States pay for that health insurance. That is a good plan. I voted for it. I supported it. I think we should extend it to the next

phase—to what I call caregivers insurance. When I make reference to caregivers, I am talking about people who work in day-care centers, those who are literally in charge of our children and grandchildren every single day. The people who work for a minimum wage, or slightly more, have no benefits. There is massive turnover in their jobs. I think we ought to be talking about extending health insurance for those caregivers in day-care centers, those who work in personal attendance of the disabled, home health care workers who take care of people so they can stay home and not have to go to nursing homes, and for those working in convalescent nursing homes.

Those are caregivers who have very little benefits. Yet we trust them with our parents, with our grandparents, with our children, and grandchildren.

I think that is the kind of thing many American people would like to see. It will help them pay for child care. It won't raise the cost. We will provide the health insurance through a program of our own at the Federal level. I would like to vote on it. I think it would be well received. I might not get that chance because the vote we will face in the next few days is whether or not, instead of helping caregivers who get up and go to work every day and take care of our kids and parents, we are going to give to the 400 richest Americans a $250 billion windfall tax break with the Republican proposal to eliminate the estate tax.

Mr. DORGAN. Mr. President, I wonder if the Senator from Illinois will yield.

Mr. DURBIN. I would be happy to yield.

Mr. DORGAN. Mr. President, I was interested in the discussion offered by the Senator from Illinois. In fact, I was interested in the discussion earlier by the Senator from Arizona, Mr. KYL, who was complaining about some comments I made earlier in the day.

As I understand the Senator from Illinois, he indicated earlier—and I did earlier today as well—that he would support an amendment that would effectively say we will repeal the estate tax for all small businesses and family farms up to $8 million. So there is no disagreement in this Chamber on that. We will repeal the estate tax for those estates up to $8 million. The difference is the majority party says that is not enough. We want to repeal the estate tax for estates over $8 million as well.

The Senator from Illinois seems to be saying, as I said this morning, that the loss of revenue by repealing the estate tax for the wealthiest estates in this country is something that ought to be measured against other alternatives, such as providing a tax cut for middle-income people, for example, or a range of investments that might be made to strengthen this country.

The Senator from Arizona, I noted, was saying: Well, people who think like that are big-spending liberals.

Who are the real big spenders? They are the folks who say: You know, we ought to spend money by deciding that a $1 billion estate should be relieved of the burden of having any estate tax at all, and decide that relieving an estate tax burden from the largest estates in this country is more important than investment in education, it is more important than a middle-income tax cut, it is more important than paying down the Federal debt.

Who are the big spenders, I ask the Senator from Illinois?

Mr. DURBIN. I think the Senator hit the nail on the head. What the Republicans are prepared to do is spend our surplus by providing tax breaks for the wealthy people in this country. The Senator and I happen to see it differently. We believe we can reform the estate tax and basically protect small businesses, family farms, and estates of people leaving $8 million, and still have money left for valid programs in this country. It will help a lot of working families and family farmers.

Mr. DORGAN. Isn't it a fact, more than reforming the estate tax, that the Senator from Illinois and the Senator from North Dakota and others would say let's effectively repeal the estate tax for estates up to $8 million for small businesses or family farms? In fact, the Senator from Illinois is saying let's repeal the estate tax to that level. But he doesn't want to go the next step as proposed by the majority party of saying no, that is important to do, but let's do something that is even more important. Let's make sure the repeal of the estate tax burden applies to people who leave estates of hundreds of millions of dollars.

Is that a priority? It seems to me that it ought to be measured against a range of other things that we ought to do.

I just make the point that I always smile a little when I hear these pejoratives about big spenders. It is sort of yesterday's news. It so happens that folks standing on this side of this Chamber are the ones who cast the tough votes that put this country back on track of getting rid of the burgeoning Federal deficits a few years ago when there was well over $300 billion in Federal deficits, and now, of course, to balance the budget. We cast the tough votes to do that. I don't need to hear much from people about who the big spenders are. We put this country back on track.

There are those who insist the largest estates in America should be relieved of their estate tax burdens and are suggesting that those of us who believe there are other alternatives that might be more appropriate—more middle-income tax relief, or other things—are called big spenders. I think that is yesterday's language in a wornout discussion.

Mr. DURBIN. I thank the Senator from North Dakota.

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

Mr. DURBIN. Without losing the floor, I would be happy to yield to the majority leader.

Mr. LOTT. I thank the Senator from Illinois for yielding this time for a unanimous consent request.

INTERIOR APPROPRIATIONS AMENDMENTS

Mr. President, I ask unanimous consent that the following amendments be the only first-degree amendments in order to the Interior appropriations bill and subject to relevant second-degree amendments.

Those amendments are as follows:

B. Smith, Relevant;
B. Smith, Relevant;
Snowe, Relevant;
Snowe, Relevant;
Gramm, Relevant;
Helms, Relevant;
Abraham, Gas tax;
Inhofe, NEA;
Collins, Salmon;
Collins, SPRO authority;
Ashcroft, Methamphetamine Lab cleanup;
Sessions, Rosa Parks Library;
Sessions, Bonsecor Wild Life Refuge;
Sessions, Indian gambling;
Roth, Lewis Maritime Museum;
Crapo, Back country air stripes;
Brownback, Historic markers;
Thomas, Funding for payment in lieu of taxes;
Warner, Louis & Clark expedition bicentennial celebration;
Warner, Fish and Wildlife land purchase;
Grams, Windstorm expenses;
Hatch, Four corners monument;
Gorton, Technical;
Gorton, Technical;
Gorton, Relevant;
Gorton, Relevant;
Gorton, Relevant;
Gorton, Relevant;
Gorton, Relevant;
Craig, Roadless area rule making;
Domenici, Hazardous fuels reduction;
Domenici; Forest Service operations;
Domenici, New Mexico water;
Domenici, Park Service construction;
Grassley, Management of Mississippi River Island;
Grassley, Fish and Wildlife land exchange;
Grassley, Mississippi River Island land exchange;
Stevens, Relevant;
Stevens, Relevant;
Stevens, Direct conveyance of homestead to Dick Redmon;
Stevens, Direct payment to city of Cray;
Stevens, Accrual of interest on escrow;
Stevens, Subsistence dollars to Alaska
Stevens, Modify Weatherization Program;
Lott, Relevant to any on list;
Baucus, Forest Service funding;
Baucus, relevant;
Baucus, relevant;
Bingaman, Hazardous fuels;
Bingaman, Four Corners (w/Hatch);
Boxer, Pesticide use in National Parks;
Breaux/Landrieu
Cane River National Heritage area;
Bryan, Timber Sales;
Bryan, Forest Service land conveyance;
Bryd, Manager's amendment;
Bryd, DoE reprograming;
Bryd, Relevant to any on the list;
Conrad, Relevant;
Conrad, Relevant;
Daschle, Funds for United Sioux Tribes;
Daschle, Relevant to any on the list;
Dodd, Relevant;
Dorgan, Relevant;
Dorgan, Relevant;
Dorgan, Relevant;
Durbin, Strike section 116 grazing permits;
Durbin, Wildlife Refugee in Kankakee River Basin;
Edwards, Land acquisition;

Edwards, USGS flood gauges;
Edwards, Drug control on public lands;
Edwards, Crime control on public lands;
Edwards, Relevant;
Feingold, Relevant;
Feingold, Relevant;
Feingold, Relevant;
Feingold, Relevant;
Feingold, Relevant;
Feinstein, Sequoia National Monument;
Feinstein, Relevant;
Johnson, Relevant;
Johnson, Relevant;
Johnson, Relevant;
Kerrey, Relevant;
Kerry, American Rivers—Sec. 326;
Landrieu, National Center for Technology and Training;
Landrieu, Oakland Cemetery funding;
Levin, Land acquisition, NPS;
Levin, NPS operations;
Lieberman, Northeast Home Heating Oil;
Reed, NEA;
Reed, Weatherization;
Reid, Relevant to any on list;
Torricelli-Reed, Urban parks;
and, Wellstone, #3772 Minnesota Forest;

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

Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUTHORIZATION

Mr. LOTT. Mr. President, I ask unanimous consent that no later than 6:30 p.m. tonight, notwithstanding rule XXII, the Senate resume consideration of the Department of Defense authorization bill. I further ask unanimous consent that any votes ordered with respect to the amendments offered and debated tonight occur beginning at 11:30 a.m. on Wednesday, with no second-degree amendments in order, where applicable, and 2 minutes prior to each vote for explanation, and that there be 2 hours prior to the 11:30 a.m. votes to be equally divided prior to proceeding to H.R. 8.

To sum up, we would complete the remaining debate time between now and 6:30 on the death tax issue. Then we would go to the Department of Defense authorization bill for debate on amendments tonight. Those votes on amendments, if any are required, would occur at 11:30.

When we come in at 9:30 tomorrow, we would have 2 more hours for debate time on the estate tax/death tax issue with no second degrees in order, and there will be 2 minutes prior to each recorded vote at 11:30, prior to the vote.

Mr. REID. Reserving the right to object, Mr. President, first of all, we are advised that we have a number of Senators who will have 15 minutes each to speak in the morning. I don't think we need to agree to the motion. We consent to going to H.R. 8, if that is OK with the leader.

Mr. LOTT. Prior to the agreeing to the amendments, to proceed, which could be done.

Mr. REID. We want to do it by consent rather than agreeing to the motion.

Mr. LOTT. Mr. President, I modify it to say that there will be 2 hours prior to 11:30 a.m., with 2 minutes equally divided before votes to be equally divided as we go to H.R. 8.

Mr. REID. Reserving the right to object, we just received a phone call. I think this is a good agreement, but I need to call a Senator. I say to the leader, if I handle this, the leader doesn't need to be on the floor and I can agree to the unanimous consent request proposed.

Mr. LOTT. I withhold my unanimous consent request at this time. I apologize for interrupting speakers. If Senator REID can make this call and we can renew this request momentarily, I would like to do it. I need to go to a retirement event for Senators and House Members. Hopefully, we can complete this momentarily.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. As I mentioned earlier, the issue before the Senate is the Republican proposal to abolish the estate tax. This is a tax which is paid by less than 2 percent of the people who die in America. Those who pay it are in the very highest income categories. When the Republican leadership put together its list of priorities of the most important things to be done under the Tax Code, they said the first and most important thing to do, and one of the most expensive things we can do, is to relieve the wealthiest people in America from paying an estate tax. That, to me, raises a question of priorities.

Who will be first in line on the Republican side of the aisle to benefit from this congressional action? According to the Republican leaders, the first in line will be the people who are first in line in the world—the wealthiest in this country, the wealthiest who will benefit from the elimination of this estate tax.

The New York Times editorial on June 11 of this year summarizes the impact of this Republican proposal:

> Seldom have so many voted for a gargantuan tax cut for so few. Abolishing the estate tax would have severe consequences. When fully phased in, the bill would cost about $50 billion a year. Repeal would also threaten the Nation's finest universities and museums. Wealthy families no longer facing estate tax cuts might well decide to leave more money to their families, and less to charity.
>
> The Democrats offered a more than reasonable alternative. Yet the House swatted the alternative aside, demonstrating that a large majority of Members were less concerned with rescuing family farms and businesses than with enriching their wealthiest supporters.

Another editorial worth making part of the RECORD is from USA Today on June 9:

> But behind the caterwauling about the ''death tax'' the truth is quite different. Most people will never be affected by inheritance taxes: 98 percent of all estates aren't big enough to be liable. Even among the elite 2 percent, very few are farmers and small businesses. But there are better ways to spend $50 billion a year than handing it to the heirs of the wealthiest people in the country. Take your pick: Middle class tax cuts, improved health benefits for seniors or paying down the national debt for starters.

That is what this is about.

The question we have to ask ourselves, Whose side are we on? Are we on the side of the wealthiest people in this country in terms of helping them out or will we be on the side of businesses, family farms, and families who are struggling to get by?

Another topic we are debating that relates to this debate on the estate tax is something called an H–1B visa.

Mr. LOTT. I apologize.

Mr. DURBIN. I am happy to yield to the majority leader.

Mr. LOTT. Mr. President, I renew my unanimous consent request.

The PRESIDING OFFICER. Is there objection?

Mr. REID. No objection.

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

Mr. DURBIN. The H–1B visa is a request by many people in private industry to increase the number of those who can come into the United States by the tens of thousands to fill well-paying, highly skilled jobs. The argument of these businesses is that they can't find workers in America with the skills necessary. We find these arguments coming out of Silicon Valley and similar high-tech areas. They just cannot find skilled American workers to fill the jobs. They ask us to change the law and allow immigrants to come from other countries to fill these jobs. They have a legitimate concern.

Many Members believe we should do something to help them. If the alternative to bringing in people working in this country is shipping the jobs overseas, that certainly doesn't do our economy any good. Isn't it interesting that we are considering the shortages in skilled workers and allowing immigrants to come in to fill these jobs, instead of discussing as part of a program a way to improve education and training in America so we have these skilled workers?

If we are going to improve that education and training, it will cost money. Instead of putting the money into education to help kids go to college and to get special skills, the Republicans think we should put the money into tax relief for the wealthiest people in this country. That is the reprise we hear over and over again on the Republican side: Just make the wealthiest people in this country wealthier and America will be a better place to live.

I think the wealthy people can take care of themselves. They do pretty well. The people who need a helping hand are families trying to put their kids through school.

One of the tax benefits which most of us on the Democratic side support, one that has been proposed by President Clinton, allows working families to deduct the cost of college education from their taxes. That means if we have a tuition bill of $10,000, the Federal Government will basically help pay for college education expenses up to, say, $2,800 a year. That is a direct helping hand from the Government. It doesn't go to the wealthiest among us but to

people who are struggling to make sure their kids have a better chance in this world than they had.

I have often thought to myself, when a new child is born into a family, after everybody has come around and admired the child and tried to figure out if he or she looks like mom or dad or grandma or grandpa, one of the things usually said is: Boy, by the time this little one reaches college age, how will we ever afford to pay for it? That is a real conversation I have heard over and over again.

Seldom, if ever—in fact, never—have I heard families say, boy, this little one here, I am worried about how much of my estate I will be able to leave when I die. People think in terms of the needs of the living. And the needs of the living include college education. On the Republican side, this is not a priority. It is certainly not as important a priority as giving a tax break to those with the most extensive and largest estates in America.

I can recall back in the late 1950s when the Russians launched Sputnik. There was a fear in the United States that they had a scientific advantage on the U.S. and that this advantage that launched the satellite into space might lead to a military superiority. Congress decided for one of the first times in its history to provide direct assistance to students. We created something known as the National Defense Education Act. The reason I recall that so fondly is because I happened to be one of the beneficiaries of that Federal program. It was a loan program. You could borrow money to go to college, complete your degree, and pay it back to the Government. It was the best deal I ever had. I like to think the money I received was money well spent for me and my family and perhaps for the country.

Isn't this a time in our history where we ought to be stepping back and, instead of trying to come up with an estate tax break for the wealthiest families in America, shouldn't we be thinking about ways to help families across America pay for college education and training so we in America have a workforce ready for the 21st century? I think education should be the first priority when it comes to tax breaks. I don't think the first priority should be the estate tax repeal that the Republicans have proposed. I think the wealthiest among us, as I said earlier, can take care of themselves. If we can find ways to help families pay for college education, then I think we will be doing something meaningful, something that is responsive to families, to what families across America are looking for. As I said earlier, the basic question is, Whose side are we on in Congress?

I also find it interesting that we have the time, whatever it takes, to spend debating and passing tax relief for wealthy Americans, but no time to address the question of an increase in the minimum wage. There are 350,000 people in my home State of Illinois who got up this morning and went to work making a minimum wage. Some of them are teenagers in their first jobs, but, sadly, many of them are folks who are working one, two, and three jobs trying to keep the families together. For years, literally for years, the Democrats have been asking for an increase in the minimum wage across America. Mr. President, $5.15 an hour is not enough. It is not enough to raise yourself, let alone a family. Unfortunately, the Republicans have opposed our efforts to increase the minimum wage by $1 over a 2-year period of time.

They say they are fearful of the impact it might have if we give people something closer to a living wage, but they obviously have no fear in spending $750 billion in a tax break for the wealthiest among us, people who are literally making, on average, over $190,000 a year in the year of their death. Those are the ones the Republicans believe need help from Congress. Those who get up every morning and go to work, cleaning tables in a restaurant, making the food in the kitchens, making the beds in the motels, watching our kids in day-care centers, the Republicans believe they do not need an increase in their minimum wage.

What a difference in priorities. I would put those folks who are working hard for America and doing the right thing in the front of the line. The Republicans put the wealthiest, those who have made the most in this great country of ours, as the highest priority when it comes to action by Congress.

Time and again, when given choices between increasing health care for workers and their families, giving tax benefits to small businesses so they can offer health insurance, giving people the means to pay for the college education of their kids, offering such things as long-term care insurance or help for the care of their aging parents, the Republicans have said: No, it is not on our priority list. Our priority list starts with the wealthiest people in America, the people who Forbes magazine identified as the 400 richest families in America who would benefit from the Republican estate tax repeal to the tune of $250 billion. That is where they believe we should spend the money.

Frankly, that is what elections are all about. Those of us on the Democratic side who believe we can have a better Nation, that we can take our anticipated surplus and invest it in the people of this country, think the Republicans are fundamentally wrong. We can reform the estate tax, we can exempt the vast majority of families, over 99 percent of the families in America, we can exempt virtually two-thirds or more of those who are currently paying the tax, and we can exempt family farms and small businesses—75 percent are currently paying the tax—and do it in a way where we will have money left to invest in education and health care. No, the Republicans, frankly, say every penny has to go to the wealthiest people in this country.

We ought to keep a running score on the proposals on the Republican side and what they are going to cost. This one is worth about $750 billion. If I am not mistaken, the George W. Bush tax cut for wealthy people—a separate tax cut—is worth over $1 trillion, and the George W. Bush proposal to privatize Social Security will cost some $800 billion and have benefits reduced under Social Security. To that extent, this gives us an idea of how the Republicans time and time again want to spend the surplus which we are now enjoying in this country. That is something many of us think is very shortsighted.

The President's belief, and one I share, is that the first commitment of any surplus should be in paying down the national debt so we carry less of a burden for paying interest on that debt and less of a burden for our children. We should take that money in our surplus and invest it in Social Security and Medicare so they are strong for a long time to come, and then target tax cuts to middle-income families, those who are struggling, as I said, to pay for basic expenses, whether it is day care, college education, or long-term care for their parents.

That is the difference in philosophy. That is the choice in the election year. For the Republicans, the first group in line will always be the wealthiest among us. That is their party. That is in what they believe. They think if the wealthy are treated right, America is a much better place to live. A lot of us believe differently. We think investing in our people is a much better investment.

I want to speak for a moment about prescription drugs, too, because I said earlier this is a priority among Democrats, Republicans, and Independents alike. They believe prescription drug benefits should be passed by this Congress. The Republican answer to that is the same answer they came up with on a Patients' Bill of Rights: They turned to the insurance industry and said to insurance companies: How can we make some money for you in terms of a Patients' Bill of Rights pricing?

They came up with this notion we would somehow subsidize insurance plans to pay for prescription drugs. I think Americans are skeptical of that approach. They understand the Democratic approach which would use the Medicare system, which would be universal, and is a tried-and-true system under Medicare to provide benefits to families across America and would give the Medicare system bargaining power to keep drug prices under control.

The Republicans want to subsidize insurance companies. It is no surprise Americans are skeptical of whether those insurance companies will be responsive to the needs of families when it comes to prescription drugs. That is why we have a serious difference between the two parties on this issue. The Republican bill does not give seniors a choice of guaranteeing coverage under Medicare. That is the most important single thing that seniors ask

for: guaranteed prescription drug coverage under Medicare. The Republican plan does not respond to that.

The Republican plan also provides subsidies to insurance companies, and yet there is no guarantee that the insurance companies will even offer the coverage, and they will not be offering a Medicare-type plan.

The Republican approach on prescription drugs does nothing about fair prices. As I said earlier, the pharmaceutical companies must be cheering this idea. The Government is going to subsidize some sort of insurance scheme to pay for prescription drugs, and yet the prices continue to go through the roof. We understand that such a plan will never work. What insurance company is going to sign up to pay your prescription drugs with no guarantee of any control on price? The Republicans, obviously, are insensitive to the price issue.

In addition to accessibility to prescription drugs insurance, price is also important. Americans understand that drugs in Canada, made in the United States, sell for a fraction of the cost. One can take the same pill and order it at the veterinarian for one's dog and go across the street and order it for oneself and find a dramatic difference in cost. It is because the drug companies are gaming the system, and they are very open about it. They are going to charge the highest price to those who will pay it, and those who will pay for it in our country are the Medicare beneficiaries—the seniors and disabled.

Once again, Republicans have failed to respond to the basic need in this country: a prescription drug benefit. It is no surprise the Republicans do want to use the Medicare system as the Democrats have proposed. We believe we can provide to seniors the choice of a guaranteed prescription drug coverage under Medicare, but the Republicans are opposed to that. They have been critical of Medicare since its creation. They have talked about privatizing this benefit of prescription drugs, leading many to believe that ultimately they are hoping to privatize Medicare.

When we tried, incidentally, to privatize a portion of Medicare recently—we said to Medicare recipients: You can buy an HMO plan—the insurance companies, after a year or two, turned around and said they were not going to write coverage anymore. It has happened in Illinois and across the country and a million seniors have been left high and dry by an insurance market that is driven almost exclusively by profit.

That is, unfortunately, where the Republicans have turned again, to the insurance industry, to try to provide some help with prescription drugs. It is not going to work, and the American people know better. They are going to hold this Congress accountable. If the best we can come up with is the estate tax relief for the wealthiest estates in America and nothing when it comes to prescription drug benefits, then we have failed the most basic test, and that is whether we respond to the common need in this country. The common need clearly is for a prescription drug benefit, as well as a Patients' Bill of Rights so you can go to your doctor with confidence, and when that doctor makes a decision about you and your family's health, it is not going to be overruled by someone who works for an insurance company.

Those are the basics: Minimum wage, prescription drug benefit, Patients' Bill of Rights. These are things Republicans have not added to their list of priorities. No, their highest priority when it comes to spending and tax relief still turns out to be the wealthiest people in America. We believe that is wrongheaded. It does not take into account the folks who built this country and made it strong for so many years.

I conclude by saying this estate tax is really a test of the priorities of the political parties. Who will be the first in line in the U.S. Congress for help? Who would you turn to first with $750 billion to provide some equity under the Tax Code? Which group of Americans would you single as needing the most help? The Republicans have answered those questions with the repeal of the estate tax. They believe the people who need the help the most are the folks who have the most in America. I do not believe that is what America is all about.

I yield the floor.

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

The Senator from Maine.

Ms. COLLINS. On behalf of the majority leader, I ask unanimous consent that notwithstanding the DOD authorization bill, I be recognized for up to 12 minutes for debate on the estate tax issue.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Maine may proceed.

Ms. COLLINS. Mr. President, it is disappointing to hear the rhetoric from some of my colleagues on the other side of the aisle, implying that if we give our family farmers and our family business owners much needed relief from confiscatory death taxes that we will somehow not be able to afford prescription drug coverage for our senior citizens, or education for our children. That is simply not true. It is disheartening to hear these distortions from some of my colleagues.

I rise today as a longtime supporter of death tax relief for family-owned businesses and farms. In fact, the very first bill I introduced as a Senator in 1997 was to provide targeted estate tax relief for our family-owned businesses. I was very pleased when key elements of my legislation were incorporated into the 1997 tax reform bill.

I first became interested in this issue in my role as director of the Center for Family Business at Husson College in Bangor, ME, where I served prior to coming to the Senate. The center sponsored a seminar on how a family business should plan to pass a business on from generation to generation. It soon became very clear to me that a major obstacle to this goal, and a significant reason why so few family businesses survive to the second, third, or fourth generation, is the onerous estate tax.

To illustrate this fact, let me share with my colleagues the story of Judy Vallee of Portland, ME. Ms. Vallee's father started a restaurant in Portland, ME. He worked very hard. The whole family worked hard. Eventually he was able to build his business from one restaurant in Portland, ME, to a chain of 25 restaurants up and down the east coast.

Unfortunately, he died. The family was hit with a whopping estate tax bill of about $1 million—a bill they simply did not have the cash to pay because their assets were tied up in these restaurants. The result was the dismantling of this business, this very successful family business, which Mr. Vallee had labored a lifetime to build.

The ultimate result was that the family was forced to sell off all the restaurants but the one they started with in Portland. That is simply wrong. It is unfair when our tax policy forces a family to dismantle a lifetime of work. It is unfair that a parent cannot pass on to the next generation the fruits of that hard work.

The need for death tax relief is something that small businesses and farmers tell me about every time I am back home in Maine. And that is every weekend. I recently talked with auto dealers from all over the State, including an auto dealer in Bangor, ME, who has built a successful business that he very much wants to leave to his sons.

I have also talked with funeral directors, with bakery owners, with lumber dealers—with a host of businesses of all sizes and kinds throughout the State—who simply have the goal of working hard, creating jobs, building their businesses, and being able to leave those businesses to the next generation. Many of these businesses are capital intensive but cash poor. That is why they are hit so hard when the owner dies and they are subjected to onerous estate tax rates.

In many small towns throughout the State of Maine, these family businesses are the heart and the soul of the community. They are the businesses that support the United Way, sponsor the Little League team, and contribute generously to other local community-based charities. They are the businesses that are always there to help because they employ their friends, their neighbors, and their family members. They are so closely linked to the economy of the small towns in which they exist.

I know that small business owners across the State of Maine were so pleased to see the House of Representatives approve H.R. 8 last month with

such a strong bipartisan vote. I stress, the vote was, indeed, broad based and bipartisan. A total of 65 House Democrats—both moderate and liberal Members—constituting more than 30 percent of the entire House Democratic caucus, joined Republicans in voting for the bill.

Here in the Senate there is also broad bipartisan support for the death tax relief bill introduced by my friend and colleague, Senator JON KYL, who has been such a leader in this effort.

As a matter of sound, long-term tax policy, H.R. 8 seeks to make a very fundamental and noteworthy change to the Tax Code. It recognizes that it is the sale of the asset, not the death of the owner, that should trigger a Federal tax. H.R. 8 would establish the principle that if family members inherit assets or property—a family business or a farm, for example—the Federal Government would tax those assets when they are sold by the heirs by imposing a capital gains tax.

Furthermore, the legislation before us would allow the Government to use the decedent's basis for determining the taxable amount of the inherited assets. So if a family businessperson dies and leaves the assets and property of their business to his or her children, they can continue running the business if they choose to do so without having to worry about the Federal Government's death tax bill forcing them to break up the business or sell the farm. This change would represent a giant step forward for many small businesses and family farms throughout Maine and the country.

There are two other points that I want to make about the impact of the death tax. The first is that it has a very unfortunate impact on jobs. The National Association of Women Business Owners, a group I was pleased to work with in my time with the Small Business Administration, has written a letter endorsing passage of this legislation. This organization surveyed many of its members and found that, on average, 39 jobs per business, or 11,000 jobs of those businesses surveyed, have already been lost due to the planning and the payment of the death tax. You can multiply that death tax time and again to see the deleterious impact of the death tax on job creation.

I know a bag manufacturer in northern Maine who told me that he spends tens of thousands of dollars each year on life insurance in order to be prepared in case he dies so that his family would not be hit by the estate tax. That is money he would like to invest right back into his business in order to hire more people or to buy new equipment or to expand his company. But instead, he is having to divert this money into planning for the estate tax. That is a point that is missed by my colleagues on the other side of the aisle.

They claim that only 2 percent of the people are affected by the estate tax. In fact, it is so many more than that because of businesses that spend tens of thousands of dollars each year on life insurance or estate tax planning in order to avoid the imposition of the death tax.

The second point that I want to make is the impact of the death tax on the concentration of economic power in this country. I think this is an issue that has been largely overlooked in this debate.

When a small business is sold because the children cannot afford to pay the death tax, it is usually sold to a large out-of-State corporation which is not subject to the death tax. When that happens, it generally results in layoffs for local employees, diminished commitment to the community, and a greater concentration of economic power. Surely, we should not want that to be the result of our Federal tax policy.

The time has come for Congress to act this year to provide overdue death tax relief to our Nation's small businesses and family farms.

In doing so, we will take a giant step forward in making our tax policy far fairer. No longer will it be the death of an owner that triggers the imposition of tax but, rather, the sale of the asset when income is realized. That makes so much more sense as a matter of tax policy. We will also be telling people who have worked so hard over a lifetime to build their business that we, too, believe in the American dream.

I yield back any time I may have remaining, and I yield the floor.

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NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2549 which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Pending:

Smith (of New Hampshire) amendment No. 3210, to prohibit granting security clearances to felons.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we are prepared to go, but I would like a few minutes to consult with the proponents of the next amendment, together with my distinguished ranking member. I propose to have a quorum call not to exceed 5 minutes. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I will momentarily request that we go to regular order, which would bring up the amendment pending by the Senator from New Hampshire, Mr. SMITH. Might I inquire of the Chair if I am not correct?

The PRESIDING OFFICER. That is the pending amendment.

Mr. WARNER. Mr. President, I request regular order, that the amendment be brought up.

The PRESIDING OFFICER. The amendment is pending.

Mr. WARNER. Mr. President, I ask unanimous consent that the yeas and nays be vitiated.

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

Mr. WARNER. I thank the Chair.

Mr. SMITH of New Hampshire. Mr. President, the hearing the Armed Services Committee held April 6 on the issue of security clearances revealed a shocking lack of concern within DOD for protecting our national security secrets.

As a result of that hearing, I proposed an amendment. My amendment, again, is simple. It would prevent DOD from granting security clearances to those who are under indictment for, or have been convicted in a court of a crime punishable by imprisonment for a term exceeding 1 year.

It would also disallow a clearance for anyone who is a fugitive from justice; is an unlawful user of, or addicted to any controlled substance; has been adjudicated as a mental defective; or has been dishonorably discharged from the Armed Forces.

As I said on the floor earlier, in an investigative series by USA Today, it was reported that DOHA, the Defense Office of Hearings and Appeals, granted clearances routinely to felons, including a murderer, individuals with chronic alcohol and drug abuse problems, a pedophile and an exhibitionist, and a convicted cocaine dealer. All received security clearances to work for defense contractors. Another individual was awarded a clearance while on probation for bank fraud, yet another was allowed to keep his clearance after taking part in a $2 million fraud against the Navy. Another had a history of criminal sexual misconduct for which he was still undergoing therapy.

Common sense dictates that one convicted murderer—or one convicted drug dealer with a security clearance—is one too many.

One individual can wreak havoc on national security. The damaging legacy of Aldrich Ames, Jonathan Pollard, the Walkers, and now suspect spy, Wen Ho Lee, is well-known to all of us who deal with national security issues. We simply cannot afford to have loose standards when it comes to protecting our secrets—and protecting lives.

Let me just add that during the Armed Services Committee hearing on this issue, the witness from DOD's C3I,

which oversees the Defense Security Services, said this in response to my questioning:

I agree wholeheartedly with your observation that one unqualified person for a clearance is one too many, and clearly, I think zero defects is the goals for all of us.

Zero defects—that is what DOD said its goal is for security clearances—well, I agree with that completely, but we have to take measures to reach that goal—not just talk about it as an ideal.

Realistically, we cannot take all of the risk out of the system, but we can at least take a practical approach to denying clearances to those people who have broken the law by serious infractions. And we can send a message to DOHA that it has been far too lenient in granting clearances. This amendment sends that message.

The PRESIDING OFFICER. Is there further debate? If not, the question is on agreeing to amendment No. 3210.

The amendment (No. 3210) was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

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

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

Mr. WARNER. Mr. President, we have had an extensive conference with Senator BYRD and representatives of Senator ROTH's office.

AMENDMENT NO. 3767

(Purpose: To provide for annual reporting of the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China, and for other purposes)

Mr. WARNER. Mr. President, I send to the desk the Byrd-Warner amendment No. 3767.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. BYRD, for himself, Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. HELMS, Mr. BREAUX, Mr. HATCH, and Mr. CAMPBELL, proposes an amendment numbered 3767.

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

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

The amendment is as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ANNUAL REPORT ON NATIONAL SECURITY IMPLICATIONS OF UNITED STATES-CHINA TRADE RELATIONSHIP.

(a) IN GENERAL.—Section 127(k) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended to read as follows:

''(k) UNITED STATES-CHINA NATIONAL SECURITY IMPLICATIONS.—

''(1) IN GENERAL.—Upon submission of the report described in subsection (e), the Commission shall continue for the purpose of monitoring, investigating, and reporting to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

''(2) ANNUAL REPORT.—Not later than March 1, 2001, and annually thereafter, the Commission shall submit a report to Congress, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

''(3) CONTENTS OF REPORT.—The report described in paragraph (2) shall include, at a minimum, a full discussion of the following:

''(A) The portion of trade in goods and services that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

''(B) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, the United States and the Asian allies of the United States.

''(C) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the Asian allies of the United States.

''(D) The acquisition by the Government of the People's Republic of China and entities controlled by the Government of advanced military technologies through United States trade and technology transfers.

''(E) Any transfers, other than those identified under subparagraph (D), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

''(F) The use of financial transactions, capital flow, and currency manipulations that affect the national security interests of the United States.

''(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse to the United States national security interests.

''(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences constitute a security problem for the United States.

''(I) The extent to which the trade surplus of the People's Republic of China with the United States is dedicated to enhancing the military budget of the People's Republic of China.

''(J) The overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

''(3) NATIONAL DEFENSE WAIVER.—The report described in paragraph (2) shall include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade Act of 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.''.

(b) CONFORMING AMENDMENTS.—

(1) NAME OF COMMISSION.—Section 127(c)(1) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended by striking ''Trade Deficit Review Commission'' and inserting ''United States-China Security Review Commission''.

(2) QUALIFICATIONS OF MEMBERS.—Section 127(c)(3) of such Act (19 U.S.C. 2213 note) is amended by adding at the end the following new subparagraph:

''(C) SPECIAL CONSIDERATIONS.—For the period beginning after December 1, 2000, consideration shall also be given to the appointment of persons with expertise and experience in national security matters and United States-China relations.''.

(3) PERIOD OF APPOINTMENT.—Section 127(c)(3)(A) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(A) IN GENERAL.—

''(i) APPOINTMENT BEGINNING WITH 107th CONGRESS.—Beginning with the 107th Congress and each new Congress thereafter, members shall be appointed not later than 30 days after the date on which Congress convenes. Members may be reappointed for additional terms of service.

''(ii) TRANSITION.—Members serving on the Commission shall continue to serve until such time as new members are appointed.''.

(4) TERMINOLOGY.—

(A) Section 127(c)(6) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' and inserting ''Chairman''.

(B) Section 127(g) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' each place it appears and inserting ''Chairman''.

(5) CHAIRMAN AND VICE CHAIRMAN.—Section 127(c)(7) of such Act (19 U.S.C. 2213 note) is amended—

(A) by striking ''Chairperson'' and ''vice chairperson'' in the heading and inserting ''Chairman'' and ''vice chairman'';

(B) by striking ''chairperson'' and ''vice chairperson'' in the text and inserting ''Chairman'' and ''Vice Chairman''; and

(C) by inserting ''at the beginning of each new Congress'' before the end period.

(6) HEARINGS.—Section 127(f)(1) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(1) HEARINGS.—

''(A) IN GENERAL.—The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

''(B) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act.''.

''(C) SECURITY.—The Office of Senate Security shall provide classified storage and meeting and hearing spaces, when necessary, for the Commission.

''(D) SECURITY CLEARANCES.—All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.''.

(7) APPROPRIATIONS.—Section 127(i) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(i) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended.

''(2) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on December 1, 2000.

AMENDMENT NO. 3794 TO AMENDMENT NO. 3767

(Purpose: To provide for annual reporting of the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China, and for other purposes)

Mr. BYRD. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD), for himself and Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. HELMS, Mr. BREAUX, Mr. HATCH, Mr. CAMPBELL, Mrs. LINCOLN, and Mr. WELLSTONE, proposes an amendment numbered 3794 to amendment numbered 3767.

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

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

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

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment be laid aside, and that we proceed with other matters.

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

AMENDMENTS NOS. 3250 AND 3751 MODIFICATIONS

Mr. WARNER. Mr. President, I ask unanimous consent that the amendment No. 3250 be modified by striking section 3531(a)(1) of the bill, and that amendment No. 3751 be modified by striking section 3405(e)(1)(b) of the Strom Thurmond National Defense Authorization Act for the fiscal year 1999, as amended by section 3202(b) of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, as I understand, the request was that amendment No. 3751 be modified.

Is that correct?

Mr. WARNER. The Senator is correct.

Mr. LEVIN. I have no objection.

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

AMENDMENT NO. 3765

(Purpose: To require that the annual report on transfers of militarily sensitive technology to countries and entities of concern include a discussion of actions taken on recommendations of inspectors general contained in previous annual reports)

Mr. WARNER. Mr. President, I call up amendment No. 3765 which requires that the annual report on transfers of militarily sensitive technology to countries of concern include a discussion of actions taken on recommendations of inspectors general contained in previous annual reports.

Mr. President, I believe this amendment has been cleared by the other side.

Mr. LEVIN. It has been cleared.

Mr. WARNER. I urge the Senate to adopt the amendment.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. SMITH of New Hampshire, proposes an amendment numbered 3765.

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

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

The amendment is as follows:

On page 415, between lines 2 and 3, insert the following:

SEC. 1061. ADDITIONAL MATTERS FOR ANNUAL REPORT ON TRANSFERS OF MILITARILY SENSITIVE TECHNOLOGY TO COUNTRIES AND ENTITIES OF CONCERN.

Section 1402(b) of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65; 113 Stat. 798) is amended by adding at the end the following:

''(4) The status of the implementation or other disposition of recommendations included in reports of audits by Inspectors General that have been set forth in previous annual reports under this section.''.

Mr. SMITH of New Hampshire. Mr. President, in section 1402 of the National Defense Authorization Act for Fiscal year 2000, Congress required annual reports by the agency Inspectors General on the transfers of militarily sensitive technology to countries and entities of concern. The first report was issued this spring and focused on so-called ''deemed exports'' or the release of technical data to a foreign national working in or visiting a federal facility in the United States.

The DOD IG found that Defense Department research centers released militarily valuable information to foreign visitors without ever determining whether export licenses were required. For example if foreign scientists (whether Chinese or Swedish) visit DOD or other federal labs, export licenses are not being requested before information is transferred. The IG found that Defense Department laboratories and research facilities lack procedures for determining whether export licenses are required, and the auditors found that the services were not even aware of the concept of ''deemed'' exports.

During FY99, DOD never asked for a deemed export license and out of 783 deemed export license applications to the Department of Commerce, only five came from the federal government (2 from NASA and 3 from DOE) despite wide-ranging scientific exchange programs with foreign nationals coming to our labs. (The 778 other licenses were requested by industry.)

The IG's report reveals another in a long line of security weaknesses recently uncovered. Militarily useful technology is leaking out of the U.S. in many different ways—either by direct commercial sale through relaxed export controls or by lax security procedures and information security polices that encourage effective espionage by nations who do not share U.S. interests. Deemed or knowledge exports are becoming ever more important to U.S. national security. It makes little sense for the U.S. to control the sale of weapon systems abroad, if we allow our potential adversaries to obtain the underlying know-how behind our weapons systems technology and manufacturing processes through scientific exchanges and knowledge transfers.

The Inspectors General made a series of recommendations to address the problems with deemed exports policies and procedures in order to better protect U.S. technology. It is anticipated that the IGs will make many more recommendations regarding export control procedures over the next 7 years. Historically, there is always a problem with effective implementation of any oversight recommendation. Without effective follow-up or interest shown by Congress, many IG recommendations are only partially implemented or not at all. The amendment I am offering ensures that Congress will receive a record of the status of agency implementation of recommends made by the Inspectors General on not only this year's deemed exports report, but on the next 6 annual export control reports. This will serve as a basis for possible legislation next year and in the future if agencies are behind schedule in implementing the IGs' recommendations.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3765) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3761

(Purpose: To provide for the concurrent payment to surviving spouses of disability and indemnity compensation and annuities under the Survivor Benefit Plan (SBP))

Mr. LEVIN. Mr. President, on behalf of Senators BRYAN and ROBB, I call up amendment No. 3761 which would provide for concurrent receipt by a surviving spouse of survivor benefit plan benefits and VA dependency and disability compensation.

I believe this amendment has been cleared by the other side.

Mr. WARNER. Mr. President, the Senator is correct. It has been cleared.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. BRYAN and Mr. ROBB, proposes an amendment numbered 3761.

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

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

The amendment is as follows:

On page 236, between lines 6 and 7, insert the following:

SEC. 646. CONCURRENT PAYMENT TO SURVIVING SPOUSES OF DISABILITY AND INDEMNITY COMPENSATION AND ANNUITIES UNDER SURVIVOR BENEFIT PLAN.

(a) CONCURRENT PAYMENT.—Section 1450 of title 10, United States Code, is amended by striking subsection (c).

(b) CONFORMING AMENDMENTS.—That section is further amended by striking subsections (e) and (k).

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, and shall apply with respect to the payment of annuities under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, for months beginning on or after that date.

(d) RECOMPUTATION OF ANNUITIES.—The Secretary of Defense shall provide for the readjustment of any annuities to which subsection (c) of section 1450 of title 10, United States Code, applies as of the date before the date of the enactment of this Act, as if the adjustment otherwise provided for under such subsection (c) had never been made.

(e) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits shall be paid to any person by virtue of the amendments made by this section for any period before the effective date of the amendments as specified in subsection (c).

Mr. WARNER. Mr. President, I urge adoption of the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 3761) was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3770, AS MODIFIED

(Purpose: To improve the ability of the National Laboratories to achieve their missions through collaborations with other institutions)

Mr. LEVIN. Mr. President, on behalf of Senator BINGAMAN, I call up amendment No. 3770 to establish the National Laboratories Partnership Act of 2000, and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. LEVIN), for Mr. BINGAMAN, Mr. DOMENICI, Mrs. MURRAY, Mr. GORTON, Mr. THOMPSON, Mr. FRIST, and Mr. MURKOWSKI, proposes an amendment numbered 3770, as modified.

Mr. LEVIN. 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 Title XXXI, add the following subtitle:

Subtitle ___. National Laboratories Partnership Improvement Act

SECTION 31 ___ 1. SHORT TITLE.

This subtitle may be cited as the ''National Laboratories Partnership Improvement Act of 2000''.

SEC. 31 ___ 2. DEFINITIONS.

For purposes of this subtitle—

(1) the term ''Department'' means the Department of Energy;

(2) the term ''departmental mission'' means any of the functions vested in the Secretary of Energy by the Department of Energy Organization Act (42 U.S.C. 7101 et seq.) or other law;

(3) the term ''institution of higher education'' has the meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a));

(4) the term ''National Laboratory'' means any of the following institutions owned by the Department of Energy—

(A) Argonne National Laboratory;

(B) Brookhaven National Laboratory;

(C) Idaho National Engineering and Environmental Laboratory;

(D) Lawrence Berkeley National Laboratory;

(E) Lawrence Livermore National Laboratory;

(F) Los Alamos National Laboratory;

(G) National Renewable Energy Laboratory;

(H) Oak Ridge National Laboratory;

(I) Pacific Northwest National Laboratory; or

(J) Sandia National Laboratory;

(5) the term ''facility'' means any of the following institutions owned by the Department of Energy—

(A) Ames Laboratory;

(B) East Tennessee Technology Park;

(C) Environmental Measurement Laboratory;

(D) Fermi National Accelerator Laboratory;

(E) Kansas City Plant;

(F) National Energy Technology Laboratory;

(G) Nevada Test Site;

(H) Princeton Plasma Physics Laboratory;

(I) Savannah River Technology Center;

(J) Stanford Linear Accelerator Center;

(K) Thomas Jefferson National Accelerator Facility;

(L) Waste Isolation Pilot Plant;

(M) Y–12 facility at Oak Ridge National Laboratory; or

(N) other similar organization of the Department designated by the Secretary that engages in technology transfer, partnering, or licensing activities;

(6) the term ''nonprofit institution'' has the meaning given such term in section 4 of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(5));

(7) the term ''Secretary'' means the Secretary of Energy;

(8) the term ''small business concern'' has the meaning given such term in section 3 of the Small Business Act (15 U.S.C. 632);

(9) the term ''technology-related business concern'' means a for-profit corporation, company, association, firm, partnership, or small business concern that—

(A) conducts scientific or engineering research,

(B) develops new technologies,

(C) manufactures products based on new technologies, or

(D) performs technological services;

(10) the term ''technology cluster'' means a concentration of—

(A) technology-related business concerns;

(B) institutions of higher education; or

(C) other nonprofit institutions

that reinforce each other's performance through formal or informal relationships;

(11) the term ''socially and economically disadvantaged small business concerns'' has the meaning given such term in section 8(a)(4) of the Small Business Act (15 U.S.C. 637(a)(4)); and

(12) the term ''NNSA'' means the National Nuclear Security Administration established by Title XXXII of the National Defense Authorization Act for Fiscal Year 2000 (Public Law 106–65).

SEC. 31___ 3. TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.

(a) ESTABLISHMENT.—The Secretary, through the appropriate officials of the Department, shall establish a Technology Infrastructure Pilot Program in accordance with this section.

(b) PURPOSE.—The purpose of the program shall be to improve the ability of National Laboratories or facilities to support departmental missions by—

(1) stimulating the development of technology clusters that can support the missions of the National Laboratories or facilities;

(2) improving the ability of National Laboratories or facilities to leverage and benefit from commercial research, technology, products, processes, and services; and

(3) encouraging the exchange of scientific and technological expertise between National Laboratories or facilities and—

(A) institutions of higher education,

(B) technology-related business concerns,

(C) nonprofit institutions; and

(d) agencies of state, tribal, or local governments—

that can support the missions of the National Laboratories and facilities.

(c) PILOT PROGRAM.—In each of the first three fiscal years after the date of enactment of this section, the Secretary may provide no more than $10,000,000, divided equally, among no more than ten National Laboratories or facilities selected by the Secretary to conduct Technology Infrastructure Program Pilot Programs.

(d) PROJECTS.—The Secretary shall authorize the Director of each National Laboratory or facility designated under subsection (c) to implement the Technology Infrastructure Pilot Program at such National Laboratory or facility through projects that meet the requirements of subsections (e) and (f).

(e) PROGRAM REQUIREMENTS.—Each project funded under this section shall meet the following requirements:

(1) MINIMUM PARTICIPANTS.—Each project shall at a minimum include—

(A) a National Laboratories or facility; and

(B) one of the following entities—

(i) a business,

(ii) an institution of higher education,

(iii) a nonprofit institution, or

(iv) an agency of a state, local, or tribal government.

(2) COST SHARING.—

(A) MINIMUM AMOUNT.—Not less than 50 percent of the costs of each project funded under this section shall be provided from non-Federal sources.

(B) QUALIFIED FUNDING AND RESOURCES.—

(i) The calculation of costs paid by the non-federal sources to a project shall include cash, personnel, services, equipment, and other resources expended on the project.

(ii) Independent research and development expenses of government contractors that qualify for reimbursement under section 31–205–18(e) of the Federal Acquisition Regulations issued pursuant to section 25(c)(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 421(c)(1)) may be credited towards costs paid by non-federal sources to a project, if the expenses meet the other requirements of this section.

(iii) No funds or other resources expended either before the start of a project under this section or outside the project's scope of work shall be credited toward the costs paid by the non-federal sources to the project.

(3) COMPETITIVE SELECTION.—All projects where a party other than the Department or a National Laboratory or facility receives funding under this section shall, to the extent practicable, be competitively selected by the National Laboratory or facility using procedures determined to be appropriate by the Secretary or his designee.

(4) ACCOUNTING STANDARDS.—Any participant receiving funding under this section, other than a National Laboratory or facility, may use generally accepted accounting principles for maintaining accounts, books, and records relating to the project.

(5) LIMITATIONS.—No federal funds shall be made available under this section for—

(A) construction; or

(B) any project for more than five years.

(f) SELECTION CRITERIA.—

(1) THRESHOLD FUNDING CRITERIA.—The Secretary shall authorize the provision of federal funds for projects under this section only when the Director of the National Laboratory or facility managing such a project determines that the project is likely to improve the participating National Laboratory or facility's ability to achieve technical success in meeting departmental missions.

(2) ADDITIONAL CRITERIA.—The Secretary shall also require the Director of the National Laboratory or facility managing a project under this section to consider the following criteria in selecting a project to receive federal funds—

(A) the potential of the project to succeed, based on its technical merit, team members, management approach, resources, and project plan;

(B) the potential of the project to promote the development of a commercially sustainable technology cluster, one that will derive most of the demand for its products or services from the private sector, that can support the missions of the participating National Laboratory or facility;

(C) the potential of the project to promote the use of commercial research, technology, products, processes, and services by the participating National Laboratory or facility to achieve its departmental mission or the commercial development of technological innovations made at the participating National Laboratory or facility;

(D) the commitment shown by non-federal organizations to the project, based primarily on the nature and amount of the financial and other resources they will risk on the project;

(E) the extent to which the project involves a wide variety and number of institutions of higher education, nonprofit institutions, and technology-related business concerns that can support the missions of the participating National Laboratory or facility and that will make substantive contributions to achieving the goals of the project;

(F) the extent of participation in the project by agencies of state, tribal, or local governments that will make substantive contributions to achieving the goals of the project; and

(G) the extent to which the project focuses on promoting the development of technology-related business concerns that are small business concerns or involves such small business concerns substantively in the project.

(3) SAVINGS CLAUSE.—Nothing in this subsection shall limit the Secretary from requiring the consideration of other criteria, as appropriate, in determining whether projects should be funded under this section.

(g) REPORT TO CONGRESS ON FULL IMPLEMENTATION.—Not later than 120 days after the start of the third fiscal year after the date of enactment of this section, the Secretary shall report to Congress on whether the Technology Infrastructure Program should be continued beyond the pilot stage, and, if so, how the fully implemented program should be managed. This report shall take into consideration the results of the pilot program to date and the views of the relevant Directors of the National laboratories and facilities. The report shall include any proposals for legislation considered necessary by the Secretary to fully implement the program.

SEC. 31___4. SMALL BUSINESS ADVOCACY AND ASSISTANCE.

(A) ADVOCACY FUNCTION.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a small business advocacy function that is organizationally independent of the procurement function at the National Laboratory or facility. The person or office vested with the small business advocacy function shall—

(1) work to increase the participation of small business concerns, including socially and economically disadvantaged small business concerns, in procurements, collaborative research, technology licensing, and technology transfer activities conducted by the National Laboratory or facility;

(2) report to the Director of the National Laboratory or facility on the actual participation of small business concerns in procurements and collaborative research along with recommendations, if appropriate, on how to improve participation;

(3) make available to small business concerns training, mentoring, and clear, up-to-date information on how to participate in the procurements and collaborative research, including how to submit effective proposals;

(4) increase the awareness inside the National Laboratory or facility of the capabilities and opportunities presented by small business concerns; and

(5) establish guidelines for the program under subsection (b) and report on the effectiveness of such program to the Director of the National Laboratory or facility.

(b) ESTABLISHMENT OF SMALL BUSINESS ASSISTANCE PROGRAM.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to establish a program to provide small business concerns—

(1) assistance directed at making them more effective and efficient subcontractors or suppliers to the National Laboratory or facility; or

(2) general technical assistance, the cost of which shall not exceed $10,000 per instance of assistance, to improve the small business concern's products or services.

(c) USE OF FUNDS.—None of the funds expended under subsection (b) may be used for direct grants to the small business concerns.

SEC. 31___5. TECHNOLOGY PARTNERSHIPS OMBUDSMAN.

(a) APPOINTMENT OF OMBUDSMAN.—The Secretary shall direct the Director of each National Laboratory, and may direct the Director of each facility the Secretary determines to be appropriate, to appoint a technology partnership ombudsman to hear and help resolve complaints from outside organizations regarding each laboratory's policies and actions with respect to technology partnerships (including cooperative research and development agreements), patents, and technology licensing. Each ombudsman shall—

(1) be a senior official of the National Laboratory or facility who is not involved in day-to-day technology partnerships, patents, or technology licensing, or, if appointed from outside the laboratory, function as such a senior official; and

(2) have direct access to the Director of the National Laboratory or facility.

(b) DUTIES.—Each ombudsman shall—

(1) serve as the focal point for assisting the public and industry in resolving complaints and disputes with the laboratory regarding technology partnerships, patents, and technology licensing;

(2) promote the use of collaborative alternative dispute resolution techniques such as mediation to facilitate the speedy and low-cost resolution of complaints and disputes, when appropriate; and

(3) report, through the Director of the National Laboratory or facility, to the Department annually on the number and nature of complaints and disputes raised, along with the ombudsman's assessment of their resolution, consistent with the protection of confidential and sensitive information.

(c) DUAL APPOINTMENT.—A person vested with the small business advocacy function of section 31___4 may also serve as the technology partnership ombudsman.

SEC. 31___6. STUDIES RELATED TO IMPROVING MISSION EFFECTIVENESS, PARTNERSHIPS, AND TECHNOLOGY TRANSFER AT NATIONAL LABORATORIES.

(a) STUDIES.—The Secretary shall direct the Laboratory Operations Board to study and report to him, not later than one year after the date of enactment of this section, on the following topics—

(1) the possible benefits from and need for policies and procedures to facilitate the transfer of scientific, technical, and professional personnel among National Laboratories and facilities; and

(2) the possible benefits from and need for changes in—

(A) the indemnification requirements for patents or other intellectual property licensed from a National Laboratory or facility;

(B) the royalty and fees schedules and types of compensation that may be used for patents or other intellectual property licensed to a small business concern from a National Laboratory or facility;

(C) the licensing procedures and requirements for patents and other intellectual property;

(D) the rights given to a small business concern that has licensed a patent or other intellectual property from a National Laboratory or facility to bring suit against third parties infringing such intellectual property;

(E) the advance funding requirements for a small business concern funding a project at a National Laboratory or facility through a Funds-In-Agreement;

(F) the intellectual property rights allocated to a business when it is funding a project at a National Laboratory or facility through a Fund-In-Agreement; and

(G) policies on royalty payments to inventors employed by a contractor-operated National Laboratory or facility, including those for inventions made under a Funds-In-Agreement.

(b) DEFINITION.—For the purpose of this section, the term ''Funds-in—Agreement'' means a contract between the Department

and non-federal organization where that organization pays the Department to provide a service or material not otherwise available in the domestic private sector.

(c) REPORT TO CONGRESS.—Not later than one month after receiving the report under subsection (a), the Secretary shall transmit the report, along with his recommendations for action and proposals for legislation to implement the recommendations, to Congress.

SEC. 31___7. OTHER TRANSACTIONS AUTHORITY.

(a) NEW AUTHORITY.—Section 646 of the Department of Energy Organization (42 U.S.C. 7256) is amended by adding at the end the following new subsection:

''(g) OTHER TRANSACTIONS AUTHORITY.—(1) In addition to other authorities granted to the Secretary to enter into procurement contracts, leases cooperative agreements, grants and other similar arrangements, the Secretary may enter into other transactions with public agencies, private organizations, or persons or such terms as the Secretary may deem appropriate in furtherance of basic, (1) In addition to other authorities granted to the Secretary to enter into other transactions with public agencies, private organizations, or persons on such terms as the Secretary may deem appropriate in furtherance of basic, applied, and advanced research now or hereafter vested in the Secretary. Such other transactions shall bet be subject to the provisions of section 9 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5908).

''(2)(A) the Secretary of Energy shall ensure that—

''(i) To the maximum extent practicable, no transaction entered into under paragraph (1) provides for research that duplicates research being conducted under existing programs carried out by the Department of Energy; and

''(ii) to the extent that the Secretary determines practicable, the funds provided by the Government under a transaction authorized by paragraph (1) do not exceed the total amount provided by other parties to the transaction.

''(B) A transaction authorized by paragraph (1) may be used for a research project when the use of a standard contract, grant, or cooperative agreement for such project is not feasible or appropriate.

''(3)(A) The Secretary shall not disclose any trade secret or commercial or financial information submitted by a non-federal entity under paragraph (1) that is privileged and confidential.

''(B) The Secretary shall not disclose, for five years after the date the information is received, any other information submitted by a non-federal entity under paragraph (1), including any proposal, proposal abstract, document supporting a proposal, business plan, or technical information that is privileged and confidential.

''(C) The Secretary may protect from disclosure, for up to five years, any information developed pursuant to a transaction under paragraph (1) that would be protected from disclosure under section 552(b)(4) of title 5, United States Code, if obtained from a person other than a federal agency.''.

(b) IMPLEMENTATION.—Not later than six months after the date of enactment of this section, the Department shall establish guidelines for the use of other transactions. Other transactions shall be made available, if needed, in order to implement projects funded under section 31____3.

SEC. 31___8. CONFORMANCE WITH NNSA ORGANIZATIONAL STRUCTURE.

All actions taken by the Secretary in carrying out this subtitle with respect to National Laboratories and facilities that are part of the NNSA shall be through the Administrator for Nuclear Security in accordance with the requirements of Title XXXII of National Defense Authorization Act for Fiscal Year 2000.

SEC. 31___9. ARCTIC ENERGY.

(a) ESTABLISHMENT.—There is hereby established within the Department of Energy an Office of Arctic Energy.

(b) PURPOSE.—The purposes of the Office of Arctic Energy are—

(1) to promote research, development and deployment of electric power technology that is cost-effective and especially well suited to meet the needs of rural and remote regions of the United States, especially where permafrost is present or located nearby; and

(2) to promote research, development and deployment in such regions of—

(A) enhanced oil recovery technology, including heavy oil recovery, reinjection of carbon and extended reach drilling technologies;

(B) gas-to-liquids technology and liquified natural gas (including associated transportation systems);

(C) small hyroelectric facilities, river turbines and tidal power;

(D) natural gas hydrates, coal bed methane, and shallow bed natural gas; and

(E) alternative energy, including wind, geothermal, and fuel cells.

(c) LOCATION.—The Secretary shall locate the Office of Arctic Energy at a university with special expertise and unique experience in the matters specified in paragraphs 1 and 2 of subsection b.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out activities under this section $1,000,000 for the fiscal year after the date of enactment of this section.

Mr. BINGAMAN. Mr. President, I am pleased to be joined by Senators DOMENICI, MURRAY, GORTON, THOMPSON, FRIST, and MURKOWSKI in offering this amendment. This amendment, which is based on my bill, S. 1756, will strengthen the ways the Department of Energy's national labs and facilities can collaborate with industry to achieve their mission—something that's increasingly important now that industry funds 70 percent of our national R&D. The labs simply cannot stay on the cutting edge of technology and do their national security and science missions without rich and effective collaborations with industry.

A key provision of this amendment is a three year pilot program, called the Technology Infrastructure Program, authorizing the national labs to promote the development of ''technology clusters''—the phenomena seen most famously in Silicon Valley—that will help the labs achieve their national security and science missions. The basic idea is for the labs to harness the innovative power of technology clusters to do their missions by strengthening collaboration in the regions around the labs.

Mr. President, let me explain this a little more. We know from places like Silicon Valley, or our own states, that a special innovative process can get started when enough institutions in an industry or technology come together in one place. For example, if you're interested in Internet businesses, Northern Virginia is an excellent place to be. For cars and, I believe, office furniture, you ought to think about Michigan.

Paradoxically, the Internet makes these regional processes more important, not less. Why? Because when it's cheap and easy to move information around, less mobile things like your labor force and special research facilities and how they interact with each other will be what makes the difference in how well you turn information into innovation. Consider how Silicon Valley has not dissipated, despite its many high costs. And, if companies move from there, they may go to Austin or Northern Virginia, but not just anywhere they can plug in a modern.

Now, the Technology Infrastructure Program will support projects that will help the labs do their missions by strengthening the institutions and relationships that aid collaborative innovation. Every project funded under this program must, as a threshold test, show that it will help a lab ''achieve technical success in meeting'' DOE missions. Here are some possible example projects: a small business incubator or a research park by the lab; a special training program for technicians in a technology used by the lab and local businesses; or a specialized design and research facility at a local university in a technology of interest to the lab and local businesses.

I think you can see from my examples that it would be hard to link these sorts of projects to the labs' missions unless they are done near the labs. So, that's what will happen in most cases. The money authorized for the pilot program is modest—no more than $10 million a year. But, I believe it could well prove to have an immodest result.

Here is another way to think about what we're trying to do with the Technology Infrastructure Program. Given the mission of the labs, the reason they exist as organizations with all sorts of sophisticated equipment and scientists is that they together in one place people working on related subjects, so they can collaborate with each other and share special facilities.

Well, the Technology Infrastructure Program will help extend that collaboration to outside a lab's gates, to firms and other institutions that are not part of the lab but that can help it do its mission better because they're nearby. Because the projects will be cost shared. DOE can save the taxpayer's money while effectively building out the labs beyond their gates. And, because the projects will help the labs leverage commercial technology, the labs will get more cutting edge technology at a lower cost.

In short, the labs' interest in collaborating with industry to achieve their missions means that they also have an interest in promoting a strong network of local collaborators.

Other provisions of this amendment will: create a small business advocate at the labs to get small businesses

more involved in lab research and procurement; create a ombudsman at the labs to informally settle disputes over technology partnerships; establish a series of studies to investigate other ways to improve collaboration between the labs and industry; give DOE a highly flexible ''other transactions'' research authority like the one DoD has; and establish a DOE Office of Arctic Energy to focus on the special energy problems and opportunities in Arctic regions of the United States.

Of course, I'm well aware this amendment would be good for the communities around the labs. But, just as those of us with labs in our states have seen that what's good for the labs can be good for our communities, what's good for our communities can also be good for our labs.

In summary, this amendment takes the next steps in improving the ability of DOE's national labs to collaborate with academia and industry, and I think it will prove of great benefit to our national security, the labs, and the labs' communities. I greatly appreciate the support of Senators WARNER and LEVIN for including it in this bill.

Mr. WARNER. The amendment has been cleared. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3770), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3739, AS MODIFIED

(Purpose: To improve the modifications to the counterintelligence polygraph program of the Department of Energy)

Mr. WARNER. Mr. President, on behalf of myself, Senators SHELBY and BRYAN, I call up amendment No. 3739 to alter the committee provision regarding the Department of Energy polygraph requirements, and I send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. SHELBY and Mr. BRYAN, proposes an amendment numbered 3739, as modified.

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

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

The amendment is as follows:

On page 595, strike line 23 and all that follows through page 597, line 3, and insert the following:

''(2) Subject to paragraph (3), the Secretary may, after consultation with appropriate security personnel, waive the applicability of paragraph (1) to a covered person—

''(A) if—

''(i) the Secretary determines that the waiver is important to the national security interests of the United States;

''(ii) the covered person has an active security clearance; and

''(iii) the covered person acknowledges in a signed writing that the capacity of the covered person to perform duties under a high-risk program after the expiration of the waiver is conditional upon meeting the requirements of paragraph (1) within the effective period of the waiver;

''(B) if another Federal agency certifies to the Secretary that the covered person has completed successfully a full-scope or counterintelligence-scope polygraph examination during the 5-year period ending on the date of the certification; or

''(C) if the Secretary determines, after consultation with the covered person and appropriate medical personnel, that the treatment of a medical or psychological condition of the covered person should preclude the administration of the examination.

''(3)(A) The Secretary may not commence the exercise of the authority under paragraph (2) to waive the applicability of paragraph (1) to any covered persons until 15 days after the date on which the Secretary submits to the appropriate committees of Congress a report setting forth the criteria to be utilized by the Secretary for determining when a waiver under paragraph (2)(A) is important to the national security interests of the United States. The criteria shall include an assessment of counterintelligence risks and programmatic impacts.

''(B) Any waiver under paragraph (2)(A) shall be effective for not more than 120 days.

''(C) Any waiver under paragraph (2)(C) shall be effective for the duration of the treatment on which such waiver is based.

''(4) The Secretary shall submit to the appropriate committees of Congress on a semi-annual basis a report on any determinations made under paragraph (2)(A) during the 6-month period ending on the date of such report. The report shall include a national security justification for each waiver resulting from such determinations.

''(5) In this subsection, the term 'appropriate committees of Congress' means the following:

''(A) The Committee on Armed Services and the Select Committee on Intelligence of the Senate.

''(B) The Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.

''(6) It is the sense of Congress that the waiver authority in paragraph (2) not be used by the Secretary to exempt from the applicability of paragraph (1) any covered persons in the highest risk categories, such as persons who have access to the most sensitive weapons design information and other highly sensitive programs, including special access programs.

''(7) The authority under paragraph (2) to waive the applicability of paragraph (1) to a covered person shall expire on September 30, 2002.''.

Mr. WARNER. Mr. President, I understand the amendment has been cleared on both sides.

Mr. LEVIN. Mr. President, it has been cleared on this side.

Mr. WARNER. I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3739), as modified, was agreed to.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 3259, AS MODIFIED

(Purpose: To coordinate and facilitate the development by the Department of Defense of directed energy technologies, systems, and weapons)

Mr. WARNER. Mr. President, on behalf of Senator DOMENICI, I call up amendment No. 3259 relating to directed energy research and development, and I send a modification to the desk which would provide for the coordination and management of directed energy technologies and systems in the Department of Defense.

It is my understanding that this amendment has been cleared on the other side.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia (Mr. WARNER), for Mr. DOMENICI, proposes an amendment numbered 3259, as modified.

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

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

The amendment is as follows:

On page 353, between lines 15 and 16, insert the following:

SEC. 914. COORDINATION AND FACILITATION OF DEVELOPMENT OF DIRECTED ENERGY TECHNOLOGIES, SYSTEMS, AND WEAPONS.

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

(1) Directed energy systems are available to address many current challenges with respect to military weapons, including offensive weapons and defensive weapons.

(2) Directed energy weapons offer the potential to maintain an asymmetrical technological edge over adversaries of the United States for the foreseeable future.

(3) It is in the national interest that funding for directed energy science and technology programs be increased in order to support priority acquisition programs and to develop new technologies for future applications.

(4) It is in the national interest that the level of funding for directed energy science and technology programs correspond to the level of funding for large-scale demonstration programs in order to ensure the growth of directed energy science and technology programs and to ensure the successful development of other weapons systems utilizing directed energy systems.

(5) The industrial base for several critical directed energy technologies is in fragile condition and lacks appropriate incentives to make the large-scale investments that are necessary to address current and anticipated Department of Defense requirements for such technologies.

(6) It is in the national interest that the Department of Defense utilize and expand upon directed energy research currently being conducted by the Department of Energy, other Federal agencies, the private sector, and academia.

(7) It is increasingly difficult for the Federal Government to recruit and retain personnel with skills critical to directed energy technology development.

(8) The implementation of the recommendations contained in the High Energy Laser Master Plan of the Department of Defense is in the national interest.

(9) Implementation of the management structure outlined in the Master Plan will

facilitate the development of revolutionary capabilities in directed energy weapons by achieving a coordinated and focused investment strategy under a new management structure featuring a joint technology office with senior-level oversight provided by a technology council and a board of directors.

(b) IMPLEMENTATION OF HIGH ENERGY LASER MASTER PLAN.—(1) The Secretary of Defense shall implement the management and organizational structure specified in the Department of Defense High Energy Laser Master Plan of March 24, 2000.

(2) The Secretary shall locate the Joint Technology Office specified in the High Energy Laser Master Plan at a location determined appropriate by the Secretary, not later than October 1, 2000.

(3) In determining the location of the Joint Technology Office, the Secretary shall, in consultation with the Deputy Under Secretary of Defense for Science and Technology, evaluate whether to locate the Office at a site at which occur a substantial proportion of the directed energy research, development, test, and evaluation activities of the Department of Defense.

(c) ENHANCEMENT OF INDUSTRIAL BASE.—(1) The Secretary of Defense shall develop and undertake initiatives, including investment initiatives, for purposes of enhancing the industrial base for directed energy technologies and systems.

(2) Initiatives under paragraph (1) shall be designed to—

(A) stimulate the development by institutions of higher education and the private sector of promising directed energy technologies and systems; and

(B) stimulate the development of a workforce skilled in such technologies and systems.

(d) ENHANCEMENT OF TEST AND EVALUATION CAPABILITIES.—The Secretary of Defense shall consider modernizing the High Energy Laser Test Facility at White Sands Missile Range, New Mexico, in order to enhance the test and evaluation capabilities of the Department of Defense with respect to directed energy weapons.

(e) COOPERATIVE PROGRAMS AND ACTIVITIES.—The Secretary of Defense shall evaluate the feasibility and advisability of entering into cooperative programs or activities with other Federal agencies, institutions of higher education, and the private sector, including the national laboratories of the Department of Energy, for the purpose of enhancing the programs, projects, and activities of the Department of Defense relating to directed energy technologies, systems, and weapons.

(f) FUNDING FOR FISCAL YEAR 2001.—(1) Of the amount authorized to be appropriated by section 201(4) for research, development, test, and evaluation, Defense-wide, up to $50,000,000 may be available for science and technology activities relating to directed energy technologies, systems, and weapons.

(2) The Secretary of Defense shall establish procedures for the allocation of funds available under paragraph (1) among activities referred to in that paragraph. In establishing such procedures, the Secretary shall provide for the competitive selection of programs, projects, and activities to be carried out by the recipients of such funds.

(g) DIRECTED ENERGY DEFINED.—In this section, the term ''directed energy'', with respect to technologies, systems, or weapons, means technologies, systems, or weapons that provide for the directed transmission of energies across the energy and frequency spectrum, including high energy lasers and high power microwaves.

Mr. WARNER. Mr. President, I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 3259), as modified, was agreed to.

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

Mr. LEVIN. Move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 3760, AS MODIFIED

(Purpose: To expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat)

Mr. WARNER. Mr. President, on behalf of Senators DOMENICI, LEVIN, LUGAR, BIDEN, BINGAMAN, CRAIG, THOMPSON, HAGEL, and CONRAD, I send amendment No. 3760 to the desk, which expands and strengthens U.S. efforts in the Russian nuclear weapons complex, and I send a modification to the desk.

The PRESIDING OFFICER (Mr. ALLARD). The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for Mr. DOMENICI, for himself, Mr. LEVIN, Mr. LUGAR, Mr. BIDEN, Mr. BINGAMAN, Mr. CRAIG, Mr. THOMPSON, Mr. HAGEL, and Mr. CONRAD, proposes an amendment numbered 3760, as modified.

The amendment, as modified, is as follows:

On page 610, between lines 13 and 14, insert the following:

Subtitle F—Russian Nuclear Complex Conversion

SEC. 3191. SHORT TITLE.

This subtitle may be cited as the ''Russian Nuclear Weapons Complex Conversion Act of 2000''.

SEC. 3192. FINDINGS.

Congress makes the following findings:

(1) The Russian nuclear weapons complex has begun closure and complete reconfiguration of certain weapons complex plants and productions lines. However, this work is at an early stage. The major impediments to downsizing have been economic and social conditions in Russia. Little information about this complex is shared, and 10 of its most sensitive cities remain closed. These cities house 750,000 people and employ approximately 150,000 people in nuclear military facilities. Although the Russian Federation Ministry of Atomic Energy has announced the need to significantly downsize its workforce, perhaps by as much as 50 percent, it has been very slow in accomplishing this goal. Information on the extent of any progress is very closely held.

(2) The United States, on the other hand, has significantly downsized its nuclear weapons complex in an open and transparent manner. As a result, an enormous asymmetry now exists between the United States and Russia in nuclear weapon production capacities and in transparency of such capacities. It is in the national security interest of the United States to assist the Russian Federation in accomplishing significant reductions in its nuclear military complex and in helping it to protect its nuclear weapons, nuclear materials, and nuclear secrets during such reductions. Such assistance will accomplish critical nonproliferation objectives and provide essential support towards future arms reduction agreements. The Russian Federation's program to close and reconfigure weapons complex plants and production lines will address, if it is implemented in a significant and transparent manner, concerns about the Russian Federation's ability to quickly reconstitute its arsenal.

(3) Several current programs address portions of the downsizing and nuclear security concerns. The Nuclear Cities Initiative was established to assist Russia in creating job opportunities for employees who are not required to support realistic Russian nuclear security requirements. Its focus has been on creating commercial ventures that can provide self-sustaining jobs in three of the closed cities. The current scope and funding of the program are not commensurate with the scale of the threats to the United States sought to be addressed by the program.

(4) To effectively address threats to United States national security interests, progress with respect to the nuclear cities must be expanded and accelerated. The Nuclear Cities Initiative has laid the groundwork for an immediate increase in investment which offers the potential for prompt risk reduction in the cities of Sarov, Snezhinsk, and Zheleznogorsk, which house four key Russian nuclear facilities. Furthermore, the Nuclear Cities Initiative has made considerable progress with the limited funding available. However, to gain sufficient advocacy for additional support, the program must demonstrate—

(A) rapid progress in conversion and restructuring; and

(B) an ability for the United States to track progress against verifiable milestones that support a Russian nuclear complex consistent with their future national security requirements.

(5) Reductions in the nuclear weapons-grade material stocks in the United States and Russia enhance prospects for future arms control agreements and reduce concerns that these materials could lead to proliferation risks. Confidence in both nations will be enhanced by knowledge of the extent of each nation's stockpiles of weapons-grade materials. The United States already makes this information public.

(6) Many current programs contribute to the goals stated herein. However, the lack of programmatic coordination within and among United States Government agencies impedes the capability of the United States to make rapid progress. A formal single point of coordination is essential to ensure that all United States programs directed at cooperative threat reduction, nuclear materials reduction and protection, and the downsizing, transparency, and nonproliferation of the nuclear weapons complex effectively mitigate the risks inherent in the Russian Federation's military complex.

(7) Specialists in the United States and the former Soviet Union trained in nonproliferation studies can significantly assist in the downsizing process while minimizing the threat presented by potential proliferation of weapons materials or expertise.

SEC. 3193. EXPANSION AND ENHANCEMENT OF NUCLEAR CITIES INITIATIVE.

(a) IN GENERAL.—The Secretary of Energy shall, in accordance with the provisions of this section, take appropriate actions to expand and enhance the activities under the Nuclear Cities Initiative in order to—

(1) assist the Russian Federation in the downsizing of the Russian Nuclear Complex; and

(2) coordinate the downsizing of the Russian Nuclear Complex under the Initiative with other United States nonproliferation programs.

(b) ENHANCED USE OF MINATOM TECHNOLOGY AND RESEARCH AND DEVELOPMENT SERVICES.—In carrying out actions under

this section, the Secretary of Energy shall facilitate the enhanced use of the technology, and the research and development services, of the Russia Ministry of Atomic Energy (MINATOM) by—

(1) fostering the commercialization of peaceful, non-threatening advanced technologies of the Ministry through the development of projects to commercialize research and development services for industry and industrial entities; and

(2) authorizing the Department of Energy, and encouraging other departments and agencies of the United States Government, to utilize such research and development services for activities appropriate to the mission of the Department, and such departments and agencies, including activities relating to—

(A) nonproliferation (including the detection and identification of weapons of mass destruction and verification of treaty compliance);

(B) global energy and environmental matters; and

(C) basic scientific research of benefit to the United States.

(c) ACCELERATION OF NUCLEAR CITIES INITIATIVE.—(1) In carrying out actions under this section, the Secretary of Energy shall accelerate the Nuclear Cities Initiative by implementing, as soon as practicable after the date of the enactment of this Act, programs at the nuclear cities referred to in paragraph (2) in order to convert significant portions of the activities carried out at such nuclear cities from military activities to civilian activities.

(2) The nuclear cities referred to in this paragraph are the following:

(A) Sarov (Arzamas–16).

(B) Snezhinsk (Chelyabinsk–70).

(C) Zheleznogorsk (Krasnoyarsk–26).

(3) To advance nonproliferation and arms control objectives, the Nuclear Cities Initiative is encouraged to begin planning for accelerated conversion, commensurate with available resources, in the remaining nuclear cities.

(4) Before implementing a program under paragraph (1), the Secretary shall establish appropriate, measurable milestones for the activities to be carried out in fiscal year 2001.

(d) PLAN FOR RESTRUCTURING THE RUSSIAN NUCLEAR COMPLEX.—(1) The President, acting through the Secretary of Energy, is urged to enter into negotiations with the Russian Federation for purposes of the development by the Russian Federation of a plan to restructure the Russian Nuclear Complex in order to meet changes in the national security requirements of Russia by 2010.

(2) The plan under paragraph (1) should include the following:

(A) Mechanisms to achieve a nuclear weapons production capacity in Russia that is consistent with the obligations of Russia under current and future arms control agreements.

(B) Mechanisms to increase transparency regarding the restructuring of the nuclear weapons complex and weapons-surplus nuclear materials inventories in Russia to the levels of transparency for such matters in the United States, including the participation of Department of Energy officials with expertise in transparency of such matters.

(C) Measurable milestones that will permit the United States and the Russian Federation to monitor progress under the plan.

(e) ENCOURAGEMENT OF CAREERS IN NONPROLIFERATION.—(1) In carrying out actions under this section, the Secretary of Energy shall carry out a program to encourage students in the United States and in the Russian Federation to pursue a career in an area relating to nonproliferation.

(2) Of the amounts under subsection (f), up to $2,000,000 shall be available for purposes of the program under paragraph (1).

(f) FUNDING FOR FISCAL YEAR 2001.—(1) There is hereby authorized to be appropriated for the Department of Energy for fiscal year 2001, $30,000,000 for purposes of the Nuclear Cities Initiative, including activities under this section.

(2) The amount authorized to be appropriated by section 101(5) for other procurement for the Army is hereby reduced by $12,500,000, with the amount of the reduction to be allocated to the Close Combat Tactical Trainer.

(g) LIMITATION ON AVAILABILITY OF FUNDS FOR NUCLEAR CITIES INITIATIVE.—No amount in excess of $17,500,000 authorized to be appropriated for the Department of Energy for fiscal year 2001 for the Nuclear Cities Initiative may be obligated or expended for purposes of providing assistance under the Initiative until 30 days after the date on which the Secretary of Energy submits to the Committees on Armed Services of the Senate and House of Representatives the following:

(1) A copy of the written agreement between the United States Government and the Government of the Russian Federation which provides that Russia will close some of its facilities engaged in nuclear weapons assembly and disassembly work within five years in exchange for participation in the Initiative.

(2) A certification by the Secretary that—

(A) project review procedures for all projects under the Initiative have been established and implemented; and

(B) such procedures will ensure that any scientific, technical, or commercial project initiated under the Initiative—

(i) will not enhance the military or weapons of mass destruction capabilities of Russia;

(ii) will not result in the inadvertent transfer or utilization of products or activities under such project for military purposes;

(iii) will be commercially viable within three years of the date of the certification; and

(iv) will be carried out in conjunction with an appropriate commercial, industrial, or other nonprofit entity as partner.

(3) A report setting forth the following:

(A) The project review procedures referred to in paragraph (2)(A).

(B) A list of the projects under the Initiative that have been reviewed under such project review procedures.

(C) A description for each project listed under subparagraph (B) of the purpose, lifecycle, out-year budget costs, participants, commercial viability, expected time for income generation, and number of Russian jobs created.

(h) SENSE OF CONGRESS ON FUNDING FOR FISCAL YEARS AFTER FISCAL YEAR 2001.—It is the sense of Congress that the availability of funds for the Nuclear Cities Initiative in fiscal years after fiscal year 2001 should be contingent upon—

(1) demonstrable progress in the programs carried out under subsection (c), as determined utilizing the milestones required under paragraph (4) of that subsection; and

(2) the development and implementation of the plan required by subsection (d).

SEC. 3194. SENSE OF CONGRESS ON THE ESTABLISHMENT OF A NATIONAL COORDINATOR FOR NONPROLIFERATION MATTERS.

It is the sense of Congress that—

(1) there should be a National Coordinator for Nonproliferation Matters to coordinate—

(A) the Nuclear Cities Initiative;

(B) the Initiatives for Proliferation Prevention program;

(C) the Cooperative Threat Reduction programs;

(D) the materials protection, control, and accounting programs; and

(E) the International Science and Technology Center; and

(2) the position of National Coordinator for Nonproliferation Matters should be similar, regarding nonproliferation matters, to the position filled by designation of the President under section 1441(a) of the Defense Against Weapons of Mass Destruction Act of 1996 (title XIV of Public Law 104–201; 110 Stat. 2727; 50 U.S.C. 2351(a)).

SEC. 3195. DEFINITIONS.

In this subtitle:

(1) NUCLEAR CITY.—The term ''nuclear city'' means any of the closed nuclear cities within the complex of the Russia Ministry of Atomic Energy (MINATOM) as follows:

(A) Sarov (Arzamas–16).

(B) Zarechnyy (Penza–19).

(C) Novoural'sk (Sverdlovsk–44).

(D) Lesnoy (Sverdlovsk–45).

(E) Ozersk (Chelyabinsk–65).

(F) Snezhinsk (Chelyabinsk–70).

(G) Trechgornyy (Zlatoust–36).

(H) Seversk (Tomsk–7).

(I) Zhelenznogorsk (Krasnoyarsk–26).

(J) Zelenogorsk (Krasnoyarsk–45).

(2) RUSSIAN NUCLEAR COMPLEX.—The term ''Russian Nuclear Complex'' refers to all of the nuclear cities.

Mr. WARNER. This amendment has been cleared on both sides. I ask unanimous consent my name be added as a cosponsor.

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

The question is on agreeing to the amendment.

The amendment (No. 3760), as modified, was agreed to.

Mr. WARNER. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. WARNER. Mr. President, I wish to advise the Senate that the amendment by Senator BENNETT and proposed by Senator THOMPSON will be initiated at 7:30 this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. WARNER. Mr. President, I am advised by the proponents and, indeed, the opponents of the amendment referred to as the Bennett amendment, that Senator BENNETT from Utah wishes to address the Senate with regard to this amendment at this time.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENT NO. 3185

(Purpose: To provide for an adjustment of composite theoretical performance levels of high performance computers)

Mr. BENNETT. Mr. President, there is an amendment at the desk which I call up, amendment No. 3185.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. BENNETT], for himself and Mr. REID, proposes an amendment numbered 3185

Mr. BENNETT. I ask unanimous consent reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 462, between lines 2 and 3, insert the following:

SEC. 1210. ADJUSTMENT OF COMPOSITE THEORETICAL PERFORMANCE LEVELS OF HIGH PERFORMANCE COMPUTERS.

(a) LAYOVER PERIOD FOR NEW PERFORMANCE LEVELS.—Section 1211 of the National Defense Authorization Act for Fiscal Year 1998 (50 U.S.C. App. 2404 note) is amended—

(1) in the second sentence of subsection (d), by striking ''180'' and inserting ''60''; and

(2) by adding at the end the following:

''(g) CALCULATION OF 60-DAY PERIOD.—The 60-day period referred to in subsection (d) shall be calculated by excluding the days on which either House of Congress is not in session because of an adjournment of the Congress sine die.''.

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to any new composite theoretical performance level established for purposes of section 1211(a) of the National Defense Authorization Act for Fiscal Year 1998 that is submitted by the President pursuant to section 1211(d) of that Act on or after the date of the enactment of this Act.

Mr. BENNETT. Mr. President, we have had a lot of discussion about this amendment. My understanding is that the order is for an hour equally divided between the proponents and the opponents of the amendment. I do not believe that time will be necessary. I certainly do not intend to take the time to explain all of the aspects of the amendment because I did so in a previous floor speech several weeks ago. I think, in the interest of moving things along tonight, I should just say to any who are interested in the issue to go back to my earlier floor speech, which was complete with charts and visual aids, and all of the other bells and whistles that we sometimes bring to the floor, and read that, and you will see how I feel about this amendment.

The Senator from Tennessee, Mr. THOMPSON, had great concerns about the issue we are discussing. This amendment has to do with export licenses for technical material, most particularly computer material that might be exported in such a way as to allow some foreign power to gain a computer capability that would enhance their military power against the United States.

Senator THOMPSON and I have been talking about this for weeks, if maybe not as long as a month or so, in an effort to find some accommodation to the concerns that he very legitimately raises about our national security and at the same time recognizes the reality of the marketplace, which is that these chips, if they are not exported from the United States, will get to the world market from Japan, Germany, Holland, and in one instance China itself.

We would like to make sure the international market is as dominated by American chips as we can possibly get it to be, which is why we are trying to shorten all of the time connected with this. Senator THOMPSON, who has his own concerns about it, has been asking that we not shorten the period as drastically as this amendment would do.

If I were offering the amendment entirely in a vacuum—that is, a legislative vacuum—I would like the amount shortened from 180 days to 30 days for the congressional action with respect to these items because I think 30 days is long enough.

I point out, at the moment, if we are going to export an F–16 to some foreign government, Congress has only 30 days to comment.

Some of these computers, to put it in the context of how rapidly things are moving, can be purchased at Toys ''R'' Us right now and be available for some foreign agent, if he wanted to come into the country, to tuck under his arm, walk through customs, go home to his country, and have a computer powerful enough in that toy that could do things that as recently as 3 years ago would seem miraculous.

So I have abandoned my 30-day desires because of the very significant legislative situation in which we find ourselves.

The 60-day requirement, which is in my amendment, has passed the House of Representatives by a vote of 415–8. I am told that if one comma is changed in the amendment that passes the Senate from the form in which it passed the House, it will run into problems in conference. So because I do not want it to run into problems in conference—I want it done—I have decided, as has the Senator from Nevada, Mr. REID, that we will forgo our desire for the 30-day period. We will endorse the 60-day period because that is in the House bill.

Now, the Senator from Tennessee has some legitimate concerns about the way this is done. I have discussed with him privately and now pledge to him publicly that I will work with him to find a way to inject the General Accounting Office into the congressional review process, something that is not called for at the moment. It is entirely haphazard at the moment. GAO gets involved if some Member of Congress asks them to get involved but not if that request is not made.

I am more than willing to say to the Senator from Tennessee that I will work with him to try to inject the GAO into the process, but I do believe that the proper and prudent thing for us to do tonight is to adopt the amendment in exactly the same language as it passed the House and thereby make sure it is not a conferenceable item and is something we will be certain will take place when the conference report is finally approved.

With that, Mr. President, I have nothing further to say, unless other Members of this body want to talk about the specific merits of it. I thank my friend from Tennessee for his willingness to work out the essential elements of this and pledge to him again publicly, as I have done privately, that I will work with him to see that we do our very best to accomplish the goal he seeks.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before he does leave the floor, I express my appreciation to the Senator from Utah. He has been a real leader on this issue. It has been a pleasure to work with him. It seems we have been working on this for many months, which we have. In fact, it has been nearly a year. This is a very important time in the history of this country when this legislation will pass. I hope it will pass tomorrow.

Based upon that, Mr. President, I ask for the yeas and nays on the amendment. It is my understanding the vote is going to be set for 11:30 tomorrow.

The PRESIDING OFFICER (Mr. L. CHAFEE). Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. REID. Mr. President, I ask unanimous consent that Senators BOXER, BAUCUS, KERRY, REID of Nevada—I am already on the amendment—BENNETT, DASCHLE, BINGAMAN, ROBB, KENNEDY, CLELAND, and MURRAY be added as cosponsors of this amendment.

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

Mr. REID. Mr. President, before the Senator from Utah leaves the floor, I want to tell him how much I appreciate his work on this issue. The work that has been done is very important.

I say to the Senator from Tennessee, he is a real advocate. He has worked very hard. He has a different view as to what should happen. He has formulated these ideas with great study and his staff has been easy to work with, but in this instance we believe we are right and that he is not quite right.

Based upon his advocacy, I, along with the Senator from Utah, am willing to work with the Senator from Tennessee. He has an idea that doesn't shorten the time whatsoever but would add another element; namely the General Accounting Office. Senator BENNETT has pledged that he would work with him on this issue, and I do so publicly also. We will try to find another vehicle to work with him on his legislation.

More than 50 percent of America's companies' revenues come from overseas sales. Also, more than 60 percent of the market for multiprocessor systems is outside the United States. What we are talking about is allowing the United States to maintain its position as a paramount producer of computers. That is what it amounts to. Things are changing very rapidly.

I can remember a few years ago I went to Clark County, in Las Vegas, NV, to the third floor of the courthouse. The entire third floor was the

computer processing system for Clark County. Then Clark County was much smaller than it is now. Today the work that is done on that entire third floor could be done with a personal computer, a laptop; things have changed so rapidly. That is why we need to allow changes.

This little computer that I carry around, this ''palm,'' as they call it, does remarkable things. I can store in this basically the Las Vegas phonebook. It has a calculator. It has numerous features that were impossible 2 years ago. It is now possible. That is what this amendment is all about: to allow the American computer industry to remain competitive and to allow sales overseas.

I appreciate the work of Senator PHIL GRAMM of Texas. He has worked on this matter for many months, along with Senator ENZI and Senator JOHNSON. I appreciate their support on this legislation.

The amendment, which has broad support from the high-tech industry and from a majority of the Members of the Senate, simply shortens the congressional review period for high performance computers from 180 days to 60 days and guarantees that the counting of those days not be tolled when Congress adjourns sine die.

We are operating under cold war era regulations and if we want to remain the world leader in computer manufacturing and in the high-tech arena, we must make this change immediately.

I have worked for the last year and a half with Senators GRAMM, ENZI, and JOHNSON on the Export Administration Act, but a few members of the majority have succeeded in blocking its passage. That bill is not moving and therefore, Senator BENNETT and I would like to simply pass this portion of the Export Administration Act to provide some temporary relief. The congressional review period for computer exports is six times longer than the review of munitions.

In February, the President, at my urging and the urging of others, proposed changes to the export controls on high performance computers, but because of the 180-day review period, these changes have yet to be implemented and U.S. companies are losing foreign market share to Chinese and other foreign competitors as we speak. This is already July and a February proposed change, which was appropriate at the time, and is nearly outdated now, has yet to go into effect.

This amendment is a bipartisan effort and one that we need to pass. Congress is stifling U.S. companies' growth and we can't stand for it, I can't stand for it. This underscores another point: the importance of exports to the U.S. computer industry. More than 50 percent of America's companies revenues come from overseas sales. If we give the international market to foreign competition in the short term, we will never get it back in the long term, and not only our economy, but our national security will founder.

A strong economy and a strong U.S. military depend on our leadership. U.S. companies have to be given the opportunity to compete worldwide in order to continue to lead the world in technological advances.

According to the Computer Coalition for Responsible Exports, U.S. computer export regulations are the most stringent in the world and give foreign competitors a head start. More than 60 percent of the market for multiprocessor systems is outside of the U.S. The U.S. industry faces stiff competition, as foreign governments allow greater export flexibility.

The current export control system interferes with legitimate U.S. exports because it does not keep pace with technology. The MTOPS level of microprocessors increased nearly 5-fold from 1998 to 1999—and today's levels will more than double when the Intel Itanium, I-Tanium, chip is introduced in the middle of this year. New export control thresholds will not take effect until the completion of the required six month waiting period—by then, the thresholds will be obsolete and American companies will have lost considerable market share in foreign countries.

The current export control system does not protect U.S. national security. The ability of America's defense system to maintain its technological advantage relies increasingly on the U.S. computer industry's ability to be at the cutting edge of technology. It does not make sense to impose a 180-day waiting period for products that have a 3-month innovation cycle and are widely available in foreign countries. Right now American companies are forbidden from selling computers in tier three countries while foreign competitors are free to do so.

As I indicated earlier, the removal of items from export controls imposed by the Munitions List, such as tanks, rockets, warships, and high-performance aircraft, requires only a 30-day waiting period. The sale of sensitive weapons, such as tanks, rockets, warships and high-performance aircraft, under the Foreign Military Sales program requires only a 30-day congressional review period. One hundred eighty days is too long.

The new Intel microprocessor, the Itanium, is expected to be available sometime this summer with companies such as NEW, Hitachi and Siemens already signed on to use the microprocessor. The most recent export control announcement made by the Administration on February 1 will therefore be out of date in less than six months.

Lastly—a review period, comparable to that applied to other export control and national security regimes, will still give Congress adequate time to review national security ramifications of any changes in the U.S. computer export control regime. I urge my colleagues to support this amendment and to allow our country's computer companies to compete with their foreign competitors and thereby continue to drive our thriving economy.

I believe that 30 days is the proper amount of time for the review period, but have agreed, with my colleague from Utah, to offer the identical language that passed in the House by a vote of 415 to 8. Less stringent language passed out of committee in the Senate, and there is no reason that this shouldn't pass with a large majority.

Mr. President, I ask unanimous consent that a letter from the U.S. Chamber of Commerce endorsing this legislation be printed in the RECORD.

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

CHAMBER OF COMMERCE OF THE
UNITED STATES OF AMERICA,
Washington, DC, June 13, 2000.

TO MEMBERS OF THE UNITED STATES SENATE: The U.S. Chamber of Commerce, the world's largest business federation, representing more than three million businesses and organizations of every size, sector and region, offers our support of Senator Harry Reid's (D–NV) Amendment 3292 to the Defense Appropriations FY 2001 bill, which changes the regulations governing the export of high-speed computers. This measure will be considered today by the U.S. Senate.

Section 1211 of H.R. 1119, the ''National Defense Authorization Act For Fiscal Year 1998'' (Public Law 105–85) imposed new restrictions on exports of certain mid-level computers to various countries, even though similar technology is readily available in the international market place. (Mid-level is defined as operating at over 2,000 million theoretical operations per second (MTOPS). Section 1211 also authorized the president to establish a different, higher performance threshold for these restrictions but required a 180-day delay in the implementation of this new threshold, pending Congressional review of a report presenting the justification for the new threshold.

Our concern is that these computers—often mis-labeled ''supercomputers'' or ''high-performance computers''—incorporate technology that is already in fairly wide use here and abroad. As with so many other efforts to unilaterally control the availability of relatively common technology, the result of this provision was another competitive disadvantage for U.S. firms in the global markets.

Earlier this month the House of Representatives approved similar legislation that reduced from 180 to 60 days the time frame for Congress to review the administration's justification for any changes in the performance thresholds for controlling these computer exports. This is important because the 180-day period often exceeds the life cycle of the computers and is longer than the congressional review period for removing various weapons from a list of defense items subject to export controls. While allowing time to address national security issues, this legislation also reduces the chances that computer transactions will languish in Congress and become obsolete before they are permitted to move forward.

In this regard, the U.S. Chamber remains committed to repeal of section 1211 for the reasons stated above. Amendment 3292 to the Defense Appropriations for FY 2001 bill is a major step in the right direction.

Sincerely,

R. BRUCE JOSTEN.

Mr. REID. Mr. President, I ask unanimous consent that a letter from the Information Technology Industry

Council, which is representative of the employment of some 1.3 million people in the United States, in support of this legislation be printed in the RECORD.

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

INFORMATION TECHNOLOGY INDUSTRY COUNCIL,
Washington, DC, July 10, 2000.

Hon. HARRY REID,
United State Senate, Washington, DC.

DEAR SENATOR REID: I am writing to follow-up on earlier correspondence to reaffirm the fact that ITI strongly supports the bipartisan Reid/Bennett amendment to the defense authorization bill. We urge your colleagues to support your amendment, and also to oppose any efforts to further water down what is already a compromise position for the computer industry.

The Reid/Bennett amendment would provide overdue relief from the current 180-day waiting period whenever US computer export thresholds are updated. Accordingly, this letter is to inform you and your colleagues that ITI anticipates including votes pertaining to computer exports in our annual High Tech Voting Guide. As you know, the High Tech Voting Guide is used by ITI to measure Members of Congress' support for the information technology industry and policies that ensure the success of the digital economy.

ITI is the leading association of U.S. providers of information technology products and services. ITI members had worldwide revenue of more than $633 billion in 1999 and employ an estimated 1.3 million people in the United States.

As you know, ITI has endorsed your legislation to shorten the Congressionally mandated waiting period to 30 days. While we strongly support our country's security objectives, there seems no rationale for treating business-level computers that are widely available on the world market as inherently more dangerous than items being removed from the nation's munitions list—an act that gives Congress just 30 calendar days to review.

Make no mistake. Computer exports are critical to the continued success of the industry and America's leadership in information technology. Computers today are improved and innovated virtually every quarter. In our view, it does not make sense to have a six-month waiting period for products that are being innovated in three-month cycles. That rapid innovation is what provides America with her valuable advantage in technology, both in the marketplace and ultimately for national security purposes—an argument put forth recently in a Defense Science Board report on this very subject.

As a good-faith compromise, ITI and the Computer Coalition for Responsible Exports (CCRE) backed an amendment to the House-passed defense authorization bill that established a 60-day waiting period and guaranteed that the counting of those days would not be tolled when Congress adjourns sine die. The House passed that amendment last month by an overwhelming vote of 415–8.

We thank you for your leadership in offering the bipartisan Reid/Bennett amendment as a companion to the House-passed compromise provision. We trust that it will pass the Senate with a similar overwhelming majority.

We have been heartened in recent weeks by the bipartisan agreement that the waiting period must be shortened. The Administration has recommended a 30-day waiting period. The House, as mentioned above, endorsed a 60-day waiting period. And Gov. George W. Bush has publicly endorsed a 60-day waiting period in recognition that commodity computers widely available from our foreign competitors cannot be effectively controlled.

We thank you for your strong and vocal leadership in this matter and look forward to working with you and other Senators to achieve a strong, bipartisan consensus on this and other issues critical to continuing America's technological pre-eminence.

Best regards,

RHETT B. DAWSON,
President.

Mr. REID. Again, I express my appreciation to the Senator from Tennessee and the Senator from Utah and look forward to an overwhelming vote tomorrow to send this matter to the House so it can be sent to the President's desk as quickly as possible.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, I thank my colleagues for their statements. I think they accurately state the conversations we have had. I welcome their commitment to try to work with me toward finding another vehicle in order to alleviate some of the concerns I have had.

I intended to offer a second-degree amendment to this amendment, but I can count the votes. The better part of valor is for me to accept the commitment and assistance from my colleagues in order to try to interject some expertise into the consideration of the MTOP level issues in the future.

What we are seeing with regard to this amendment is a manifestation of a discussion that is going on in this country that is very important. We obviously are leading the world in terms of high technology. We are building supercomputers that no one else has. It is natural that our people want to develop their markets and have an export market. That is important to them from an economic standpoint. Many people in the computer industry are under the impression that if they can build something, it is immediately available worldwide, internationally, by everyone. I respectfully disagree with them on that. But they are of that opinion, and they are moving aggressively in Congress and otherwise to try to raise the level of the computers they can ship without an export license.

Let's keep in mind, that is the issue: What is going to be shipped without a license or with a license. We are not talking about stopping any sales. We are talking about time periods and how fast computers can be sold and what can be sold with or without a license. That is one side of what is going on in the country today in this discussion.

The other side is that all of the statements about our capabilities and our need to market and all those kinds of things may be true. But there is another side to the story, and that is the danger that sometimes is being interjected into the world by the proliferation of weapons of mass destruction.

We have been told in no uncertain terms by the Cox committee, and others, that the Chinese, for example, are using our technology. They are specifically using our high-performance computers to enhance their own nuclear capabilities. Potentially, they will be used against our own country. We know the Chinese are selling and supplying technology to rogue nations around the world—a big problem. That is a part of the discussion we are going to have over these next few weeks, I hope, in terms of how we address that with the Chinese.

So while it is important to have a viable high-tech market, and while the technological ''genie'' is out of the bottle to a great extent, there are some of us who still believe we should not abrogate all of our export control laws. And on what we are dealing with here tonight, Congress should have an adequate time to consider how much we want to raise the MTOP levels and how liberal we want to be in terms of allowing these computers to be exported—again, mind you, without a license. They can still export them at any level, theoretically. But they have to go through a license process.

Is the congressional review too long? Is 180 days too long? I point out that, I believe as late as a year ago—I think July of last year—while it was not in law, the practice was for the review time for Congress to take between 18 and 24 months. So 6 months kicked in just about a year ago. So we have gone from 18 to 24 months a year ago, and now Congress has 6 months. We narrowed it to 6 months now that we have to review it, when the administration decides it wants to raise the MTOP levels and become more liberal with exports. Now under this bill, we are narrowing the time further to 60 days—from 6 months to 60 days—for Congress to review the raising of a particular MTOP level.

I have a great problem with that. I know there is tremendous momentum in this Congress to accede to those who want Congress to have less and less a part in this process. I agree with colleagues who said Congress has not always done its due diligence, has not always used that process to its best advantage; we have sometimes sat on our hands.

What I am trying to do, and what I was going to do by my second-degree amendment, which I will now, with the help of colleagues, try to do separate and apart, is to say, OK, we will go down to 60 days, although I don't like it; but we will say, within that 60 days, let's have GAO take a look at it; let's have some expertise from the people who are used to analyzing these things because they don't always agree with the administration, as to what the foreign availability is or what the mass marketing for a particular component is. So why do we want to fly blindly on something that is so technical and important? We need to have GAO in this process and then give Congress just 10 days after the GAO does its work, after 50 days, to look at what GAO has come up with, and then we can act if we want to.

So I think it is a very compressed timeframe. But I understand the momentum for this. I hope we are not making a mistake. I hope we are not placing too much faith in an administration that I think has been entirely too lax in terms of matters of national security, our export laws, the security of our laboratories, and everything else. I hope we are not making that mistake. But I know it is going to happen now. It passed overwhelmingly in the House, and I expect it to tomorrow. I can count as well as the next person. But I am hopeful that within the next few days, as I say, we can interject into this process at least a little bit of extra deliberation by the GAO and those with the expertise to tell us what they think about a particular increase in the MTOP levels.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, I yield back all time for the proponents of the amendment.

The PRESIDING OFFICER. The Senator from Tennessee is recognized.

Mr. THOMPSON. Mr. President, I yield back all time of the opponents of the amendment.

Mr. WARNER. Mr. President, subject to the leadership, I think I can announce the time of the vote. The vote on this amendment will occur at 11:30 a.m. tomorrow.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. TORRICELLI. Mr. President, I rise today to withdraw my amendment to the fiscal year 2001 Defense authorization bill. As the matter between the U.S. Air Force and the New Jersey Forest Fire Service has been resolved, the need for legislative language to rectify this matter is no longer necessary.

At this time, I would like to show my appreciation to the Secretary of the Air Force and his staff for their professionalism and cooperation in helping bring about an expeditious and satisfactory resolution to this matter. I would like to thank the staff members of the Senate Armed Services Committee, in particular Mike McCord, for their assistance in seeing this matter through.

The reimbursement from the Air Force to the New Jersey Forest Service will help enable the men and women of this vital department to continue their important duties in protecting the forests and state parks of New Jersey from disaster.

REDSTONE ARSENAL

Mr. SESSIONS. Mr. President, I rise for the purpose of engaging the chairman of the Subcommittee on Readiness and Management Support, Committee on Armed Services to discuss a matter of some great interest relating to an Army installation located in my State. As the chairman knows, the Redstone Arsenal is located in Alabama, near the city of Huntsville. Although Redstone is not an arsenal in the traditional sense, there are certain provisions of Title III, Subtitle D, Sections 331 and 332 of the bill that I understand will apply to Redstone Arsenal. Specifically, the provision of the bill which would codify the ARMS Act and its facility use contracts and in-kind consideration provisions, and the provision on Centers of Industrial and Technical Excellence that would allow the government owned, government operated industrial facilities to pursue partnerships and arrangements with private sector entities to more fully utilize the plant and equipment at these facilities. In my own state there is interest of at least one private sector entity currently doing business on Redstone Arsenal with others to follow:

By using the Facilities Use and In-Kind Consideration provisions of ARMS, the Logistics Support Facility has been able to establish a presence on Redstone Arsenal. Using these innovative approaches, the Logistical Support Facility has been able to utilize existing Army facilities that might otherwise have been deemed to be excess. This is certainly a win-win situation for both the company and the U.S. Army: a win for the LSF which gets facilities that are close to their customer—the U.S. Army, and a win for Redstone Arsenal, which receives consideration for the use of an otherwise empty facility which it might otherwise have to pay to maintain or demolish.

Am I correct in my belief that Section 332 will allow the Logistical Support Facility and other similarly situated operations to operate on Redstone Arsenal?

Mr. INHOFE. It is exactly the sort of arrangement which you have outlined that the language in Title III is intended to promote. It is the committee's hope that additional government facilities will pursue such initiatives in order to increase their efficiency. The ARMS act was intended to breathe new life into facilities for which the Army might otherwise have less use. It is a model program and we are trying to incorporate those aspects of the ARMS program which make sense in a government owned, government operated industrial facility. This is indeed a win/win situation for business, for the Department of Defense, and for the American taxpayer.

TRANSFER OF LAND ON VIEQUES, PUERTO RICO

Ms. LANDRIEU. Mr. President, I appreciate the efforts by the Senator from Oklahoma to facilitate the resumption of critical live-fire training at the Naval training range on the island of Vieques. He has visited the island and has dedicated himself to trying to resolve this important issue.

I believe, given the differences between the provision in the Senate bill and those in the House bill, that this will be a matter of considerable discussion and debate in conference. I look forward to working with Senator INHOFE and other Members of the Senate and House to address these differences and achieve a resolution that maximizes the possibility of resuming live-fire training as soon as possible.

I am concerned that the Senate bill does not authorize the transfer of all the surplus land on the western side of the island, as requested by the President pursuant to his agreement with the Governor of Puerto Rico. I believe that only the full implementation of those directives will restore the Navy's credibility with the local population. Secretary Danzig has emphasized to us the importance of the conveyance of this land as a demonstration of good faith prior to the referendum on the Navy's continued use of Vieques. Therefore to avoid undermining the Navy's position on Vieques, the conference report should adopt the language in the House bill that would authorize this transfer.

Mr. INHOFE. Mr. President, I appreciate the comments of Senator LANDRIEU. I look forward to working with her and others on this important issue in conference. As you noted, as chairman of the Readiness and Management Support Subcommittee I have spent considerable time looking into this matter and I believe that this facility is essential to the readiness of the Navy and Marine Corps.

I understand the concern raised by some that a failure to transfer the western land as requested by the President would frustrate the long-term goal of rebuilding relations between the Navy and the people of Vieques and resuming live-fire training on the island. However, I recently visited Vieques and spoke with some of the local residents who were not as enthused by the proposed transfer of land as the Governors's office has led us to believe. Furthermore, they asked that if any land is transferred, that it be transferred directly to the people of Vieques rather than to the Commonwealth Government. However, I understand that this may not represent the views of all residents of the island and I will continue to look very seriously at this issue during the conference and will continue to speak with the residents of Vieques before I make a final decision.

I also want to ensure that whatever approach we take, we do not undermine the chances of the resumption of live-fire by providing a reverse incentive. I strongly support the Navy and Marine Corps' goal of resuming live-fire training in Vieques. As stated by the senior officers of the Department of Defense, this training is critical to our readiness. I will continue to speak with these officers on the issue, including the impact of not transferring the western land, as we proceed through

conference. I am committed to resolving this matter in a way that maximizes our opportunity to provide our military personnel with the training they need to ensure they are not unnecessarily put at risk when they are deployed into harm's way.

Ms. LANDRIEU. I thank the Senator for his commitment on this matter and look forward to working with him in the weeks ahead.

ACQUISITION PROGRAMS AT NSA

Mr. SHELBY. I note to the distinguished chairman of the Armed Services Committee an issue in the committee report accompanying the National Defense Authorization Act for Fiscal Year 2001, S. 2549. on page 126, the report deals with acquisition programs at the National Security Agency (NSA). I fear that the language of the report could have unintended consequences for the on-going efforts to modernize the National Security Agency. The report mandates that the NSA manage its modernization effort as though it were a traditional major defense acquisition program. If this mandate were applied to each of the individual technology efforts within the NSA, such a requirement could impede NSA's flexibility to modernize and upgrade its capabilities. I would ask the Chairman of the Armed Services Committee whether this was the Committee's intent?

Mr. WARNER. I thank the Chairman of the Intelligence Committee, Senator SHELBY. I believe we both agree that the National Security Agency should better address its acquisition issues. However, I note the concerns you raise and agree that the report should not be read to mandate treating each individual technology effort within NSA as a major acquisition program. As the chairman of the Intelligence Committee knows, the Department of Defense (DoD) has an extensive effort to develop various technology projects that could ultimately contribute to one or more major DoD acquisition programs. DoD does not manage these individual technology projects as major acquisition programs, despite the fact that they may contribute to successful fielding of a program being managed as a major acquisition program.

It was the committee's intent to ensure that each of the major modernization efforts that NSA must undertake will receive appropriate management attention. it was not the committee's intent that individual technology projects that are contributing to those broader efforts be managed as major acquisition programs on a project-by-project basis.

I look forward to working with you to ensure that NSA properly manages its acquisition programs.

Mr. SHELBY. I thank the Chairman.

Mr. WARNER. Mr. President, on behalf of my distinguished ranking member and myself, we submit to the Senate the following time agreement.

I ask unanimous consent that at 6:30 p.m. on Wednesday, when the Senate resumes the DOD authorization bill, Senator BYRD be recognized for up to 30 minutes for debate on his amendment, with a Roth statement to be inserted at that point following the debate, and following the disposition of the amendment and notwithstanding the managers' package of amendments, the following amendments be the only remaining first-degree amendments in order, that they be limited to 1 hour equally divided unless otherwise stated, and that with respect to the second-degree amendments, they be under no time restraints and limited to relevant second-degree amendments unless otherwise stated. Those amendments are as follows:

Feingold, re: D5 missile, 40 minutes equally divided; Durbin, re: NMD testing, 2 hours equally divided with no second-degree amendments; Harkin, secrecy; Kerry of Massachusetts, environmental fines.

I further ask unanimous consent that following the disposition of the pending Byrd amendment and the listed amendments, the bill be advanced to third reading, and the Senate proceed to the consideration of the House companion bill, H.R. 4205, all after the enacting clause be stricken, the text of the Senate bill be inserted, the House bill be advanced to third reading, and passage occur, all without any intervening action, and the Senate bill be then placed on the calendar.

I further ask unanimous consent that at the time of the stacked rollcall votes, there be up to 10 minutes equally divided provided for closing remarks with respect to only the Kerrey amendment.

I further ask unanimous consent that the Senate insist on its amendments, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

Finally, I ask the time limit with respect to the Harkin amendment only be vitiated prior to 12 noon on Wednesday, at or upon the request of the minority leader.

The PRESIDING OFFICER. Is there objection?

Mr. LEVIN. Mr. President, reserving the right to object, and I obviously won't because this is a very good unanimous consent agreement, I believe in reading the last two lines my good friend from Virginia left out the word ''may'' so that ''it may be vitiated.''

Mr. WARNER. Mr. President, my colleague is correct. I shall reread it.

Finally, I ask that the time limit with respect to the Harkin amendment only may be vitiated prior to 12 noon on Wednesday, upon the request of the minority leader.

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

Mr. LEVIN. Mr. President, has that now been adopted?

Mr. WARNER. That has been accepted. This is a momentous occasion.

The PRESIDING OFFICER. Yes.

Mr. WARNER. I thank all who worked so assiduously to make this possible. As we said in World War II: Praise the Lord and pass the ammunition. We have this bill on its final track.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. I thank my friend from Virginia. There has been a lot of hard work, indeed, that has gone into this agreement. I do want to see if our understanding is correct on this. It was not explicit in the unanimous consent agreement. That is that following the disposition of the Byrd amendment tomorrow evening, and notwithstanding the managers' package of amendments, that the following amendments be—and then they are identified.

It is our expectation and intention that that proceed immediately tomorrow night, to consideration of those listed amendments.

Mr. WARNER. Mr. President, the Senator is correct in that interpretation, that we will hear from our distinguished former majority leader, member of the Armed Services Committee, Senator BYRD, for 30 minutes. A statement will then be placed in the RECORD on behalf of Senator ROTH, and we will proceed immediately to the amendments as ordered.

Mr. LEVIN. After disposition of the Byrd amendment.

Mr. WARNER. After disposition of the Byrd amendment.

Mr. LEVIN. And that will all occur tomorrow night?

Mr. WARNER. That is correct.

Mr. LEVIN. I thank the Presiding Officer and my good friend from Virginia.

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MORNING BUSINESS

Mr. WARNER. Mr. President, I now ask unanimous consent 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.

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ACKNOWLEDGMENT OF SENATOR PETER FITZGERALD'S 100TH PRESIDING HOUR

Mr. LOTT. Mr. President, today I have the pleasure to announce that another freshman has achieved the 100-hour mark as presiding officer. Senator PETER FITZGERALD is the latest recipient of the Senate's Golden Gavel Award.

Since the 1960's, the Senate has recognized those members who preside over the Senate for 100 hours with the Golden Gavel. This award continues to represent our appreciation for the time these dedicated Senators contribute to presiding over the U.S. Senate—a privileged and important duty.

On behalf of the Senate, I extend our sincere appreciation to Senator FITZGERALD for presiding during the 106th Congress.

CONFIRMATION OF RUSSELL JOHN QUALLIOTINE, OF NEW YORK, TO BE UNITED STATES MARSHAL FOR THE SOUTHERN DISTRICT OF NEW YORK

Mr. MOYNIHAN. Mr. President, I rise to express great appreciation for the confirmation of Russell John Qualliotine to be United States Marshal for the Southern District of New York. Hailing from Nesconset, New York, he served more than a quarter century with the New York City Police Department, retiring this past January. As an Officer of the NYPD, he held the position of Detective First Grade in the elite Personal Security Section of the Intelligence Division. The NYPD has given him four outstanding achievement awards, three awards for excellent police work, and one for meritorious service. From 1969 to 1972, he also served in the United States Army and earned an Army Commendation Medal.

In his roles as police detective and soldier, Mr Qualliotine has displayed exemplary dedication, character, and professionalism. He is superbly qualified, and I am confident he will make an excellent United States Marshal.

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EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. MCCAIN. Mr. President, I appreciate the opportunity to address the Senate once again on the subject of military construction projects added to an appropriations bill that were not requested by the Department of Defense. The bill that passed by voice vote prior to the July 4th recess contains more than $1.5 billion in unrequested military construction projects. More importantly, I would like to spend a few minutes discussing Congress's role in the budget process and its utter lack of fiscal discipline. There is $4.5 billion in pork-barrel spending in this bill, $3.3 billion of that total in the so-called ''emergency supplemental.''

Webster's, Mr. President, defines ''emergency'' as ''a sudden, generally unexpected occurrence or set of circumstances demanding immediate action.'' What we have here is the antithesis of that concept. It is highly questionable whether $20 million for abstinence education should be included in a bill the purpose of which is to provide emergency funding that will not count against budget caps.

For months this body made a deliberate decision not to act quickly and deliberately with regard to legitimate spending issues involving military readiness and the crisis in Colombia. The decision was made not to treat these essential and time-sensitive activities as expeditiously as possible. Now, after many months and seemingly endless legislative maneuvering, we were presented with an $11 billion bill replete with earmarks that under no credible criteria should be categorized as ''emergency''—and this is in addition to the over $1.5 billion added to the underlying military construction appropriations bill for strictly parochial reasons.

As everyone here is aware, I regularly review spending bills for items that were not requested by the Administration, constitute earmarks designed to benefit specific projects or localities, and did not go through a competitive, merit-based selection process. I submit lists of such items to the CONGRESSIONAL RECORD, generally prior to final passage of the spending bill in question. In the case of the Military Construction bill for fiscal year 2001, I submitted such a list, along with a statement critical of the process by which that bill was put together, particularly the over $700 million worth of military construction projects added to that bill that were not requested by the Department of Defense—an amount, I reiterate, that was doubled in conference with the other Body.

This is an institution that has proven itself incapable of passing legislation on an expedited basis that genuinely warrants the categorization of ''emergency.'' Funding for ongoing military operations that strains readiness accounts is a case in point. The one thing, Mr. President, we can pass without hesitation and consideration is money for pork-barrel projects. Just prior to final passage back in May of the Military Construction appropriations bill, the Appropriations Committee pushed through $460 million for six new C–130J aircraft for the Coast Guard—the very aircraft that we throw money at with wanton abandon as though our very existence as an institution is dependent upon the continued acquisition of that aircraft.

That funding and those aircraft are in the bill that emerged from conference with the House. A consensus exists, apparently, that we must have six more C–130Js in addition to the ones added to the defense appropriations bill despite a surplus in the Department of Defense of C–130 airframes that should see us through to the next millennium and beyond. And this, Mr. President, despite the General Accounting Office's finding, based upon the Coast Guard's own study, that the service's existing fleet of HC–130s will not need to be replaced until 2012–2027. And this, Mr. President, despite an ongoing Coast Guard-directed study designed to determine precisely what types and numbers of aircraft and surface vessels it will require in the future. Message to parents saving up for little junior's college education: invest in the stock of the company that makes C–130s; the United States Congress will ensure your offsprinq never need student loans.

Compared to the $460 million for the C–130s, it hardly seems worth it to mention the $45 million added to this emergency spending measure for yet another Gulfstream jet, other than to point out that it is manufactured in the same state as the C–130s. The decision to include funding for this jet, intended for the Coast Guard commandant, an emergency spending bill lends further credence to the notion that our interest in the integrity of the budget process is nonexistent.

It was reassuring that a compromise was reached on the issue of helicopters for Colombia. It is extremely unfortunate, however, that an issue of life and death for Colombian soldiers being sent into combat to fight well-armed drug traffickers and the 15,000-strong guerrilla army that protects them was predicated upon parochial considerations. Valid operational reasons existed for the decision by the Department of Defense and the Colombian Government to request Blackhawk helicopters, and the Senate's decision to substitute those Blackhawks for Huey IIs was among the more morally questionable actions I have witnessed within the narrow realm of budgetary decision-making by Congress.

Specific to the Military Construction Appropriations Act for Fiscal Year 2001, it continues to strain credibility to peruse this legislation and believe that considerations other than pork were at play. How else to explain the millions of dollars added to this bill for National Guard Armories, which, in a typically Orwellian gesture, are now referred to as ''Readiness Centers?'' Whether the $6.4 million added for a new dining facility at Sheppard Air Force Base: the $12 million for a new fitness center at Langley Air Force Base; the $5.8 million for a joint personnel training center at Fairchild Air Force Base, Alaska; the $3.5 million added for an indoor rifle range and $1.8 million for a religious ministry facility at the Naval Reserve Station in Fort Worth, Texas; the $4 million added for the New Hampshire Air National Guard Pease International Trade Port; the $4 million for a Kentucky National Guard parking structure; and the $14 million added for New York National Guard facilities all constitute vital spending initiatives is highly questionable.

There are one-and-a-half billion dollars worth of projects added to this bill at member request. Not all of them, in particular family housing projects, warrant criticism or skepticism. There are important quality of life issues involved here. The public should be under no illusions, however, that over a billion dollars was added to this bill solely as a manifestation of Congress' unrestrained pursuit of pork.

As mentioned, far more disturbing than the pork added to the military construction bill is the damage done to the integrity of the budget process by the abuse of the concept of emergency spending. Permit me to quote from the opening sentence from the Washington Post of June 29 with regard to this bill: ''Republicans are trying to grease the skids for passage of a large emergency spending bill for Colombia and Kosovo with $200 million of 'special projects' for members, and one of the biggest winners is a renegade Democrat being courted by the GOP.''

That, Mr. President, summarizes the process pretty well. Military readiness and the situation in Colombia are not in and of themselves important enough to warrant support for this spending bill. It seems this Senate must have its pork. It must have its $25 million for a Customs Service training facility at Harpers Ferry, West Virginia, a site most certainly chosen for its bucolic charm and operational attributes rather than for parochial reasons. It must have its $225,000 for the Nebraska State Patrol Digital Distance Learning project. It must have over $3 million earmarked for anti-doping activities at the 2002 Olympics, in addition to the $8 million for Defense Department support of these essential national security activities on the ski slopes of Utah. It must have $300,000 for Indian tribes in North Dakota, South Dakota, Montana and Minnesota. The hard-working taxpayers of America deserve better.

Those of us who had the misfortune of witnessing one of the most disgraceful and blatant explosions of pork-barrel spending in the annals of modern American parliamentary history, the ISTEA bill of 1998, should be astounded to see the projects funded in this emergency spending bill:

$1.2 million for the Paso Del Norte International Bridge in Texas;

$9 million for the US 82 Mississippi River Bridge in Mississippi;

$2 million for the Union Village/Cambridge Junction bridges in Vermont;

$5 million for the Naheola Bridge in Alabama;

$3 million for the Hoover Dam Bypass in Arizona and Nevada;

$3 million for the Witt-Penn Bridge in New Jersey; and

$12 million for the Florida Memorial Bridge in Florida.

These, Mr. President, are but the tip of the iceberg—an iceberg that shall not stand in the way of the icebreaker added to this bill, albeit for more credible reasons than the vast majority of member add-ons.

As I stated earlier, tracking the process by which the bill came before us was a truly Byzantine experience. The addition of $600,000 for the Lewis and Clark Rural Water System in South Dakota serves as sort of a tribute to the unusual path down which this legislation has traveled. The most skilled legislative adventurers would be hard pressed to follow the trail this bill followed before arriving at its destination here on the floor of the Senate.

I cannot emphasize enough the significance of piling billions of dollars in pork and unrequested earmarks into a bill that was categorized for budgetary purposes as ''emergency.'' Consider the distinction between emergency spending essential for the preservation of liberty and to deal with genuine emergencies that cannot wait for the usual annual appropriations process, and the manner in which Congress abuses that concept and undermines the integrity of the budgeting process. When I review an emergency spending measure and read earmarks like $2.2 million for the Anchorage, Alaska Senior Center; $500,000 for the Shedd Aquarium/Brookfield Zoo for science education programs for local school students; $1 million for the Center for Research on Aging at Rush-Presbyterian-St. Luke's Medical Center in Chicago; and $8 million for the City of Libby in Montana, plus another $3.5 million for the Saint John's Lutheran Hospital in Libby, I am more than a little perplexed about the propriety of our actions here.

Is the American public expected to believe that a spending bill essential for national security should include emergency funding for Dungeness fishing vessel crew members, U.S. fish processors in Alaska, and the Buy N Pack Seafoods processor in Hoonah, Alaska, research and education relating to the North Pacific marine ecosystem, and the lease, operation and upgrading of facilities at the Alaska SeaLife Center, and the $7 million for observer coverage for the Hawaiian long-line fishery and to study interaction with sea turtles in the North Pacific. Finally, and not to belabor the point, is the $1 million for the State of Alaska to develop a cooperative research plan to restore the crab fishery truly a national security imperative?

When the bill was on the floor of the Senate, my friend and colleague from Texas, Senator GRAMM, referred to the sadly typical smoke and mirrors budgeting gimmickrey pervasive in the legislation. I am always disturbed when such budgeting gimmicks designed to prevent Congress from complying with the revenue and spending levels agreed to in the Budget Resolution are employed. While I am grateful that a deal was struck by which they will be reversed in another bill, the use of such gimmicks is a betrayal of our responsibility to spend the taxpayers' dollars responsibly and enact laws and policies that reflect the best interests of all Americans. It is a betrayal of the public trust that is essential to a working democracy.

The bill, as currently written and signed into law, waives the budget caps to allow for more discretionary spending. It also waived the firewall in the budget resolution between defense and nondefense spending on outlays. The end result would be that Congress would have the freedom to move the $2.6 billion the Defense Appropriations Subcommittee did not spend on much-needed readiness into non-defense spending.

The recently-passed legislation further changes current law and shifts the payment date for SSI, the Supplemental Security Income program, from October back to September. What that would do is shift money into fiscal year 2000. In the process, it would allow $2.4 billion more be spent in fiscal year 2001 by spending that same amount of money in the previous year. The legislation also includes the gimmick of moving the pay date for veterans' compensation and pensions from fiscal year 2001 to fiscal year 2000. Both of these provisions are further examples of the irresponsible budget gimmickry that allows the Congress to spend more without any accountability. I am thankful that a commitment was made to reverse these decisions in subsequent legislation; I abhor the fact that they will almost certainly be used again in the future.

To conclude, the Military Construction and Emergency Supplemental Appropriations bill passed prior to recess, and without members of the Senate having a realistic opportunity to review that multibillion dollar commitment, is a travesty, a thorough slap in the face of all Americans concerned about fiscal responsibility, national security, the scourge of drugs on our streets, and the integrity of the representation they send to Congress. We should be ashamed of ourselves for passing this bill. Unfortunately, shame continues to elude us, and the country, and our democracy, is poorer for that flaw in our collective character.

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VICTIMS OF GUN VIOLENCE

Mr. DURBIN. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read some of the names of those who lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today.

July 11, 1999:

Thomas Erwin, 36, Oklahoma City, OK; Bernard Harrison, 17, Baltimore, MD; Anthony L. Holt, 28, Chicago, IL; Judy Holt, 47, Dallas, TX; Christopher F. James, 34, Oklahoma City, OK; Byron Sanders, 17, Baltimore, MD; Eugene Smith, 21, Charlotte, NC; Nakia Walker, 25, Washington, DC; Unidentified male, 23, Newark, NJ.

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FISCAL YEAR 2001 LABOR-HHS-EDUCATION APPROPRIATIONS AND THE MILITARY CONSTRUCTION APPROPRIATIONS CONFERENCE REPORT

Mr. VOINOVICH. Mr. President, on June 30, the Senate passed S. 2553, the Fiscal Year 2001 Labor-HHS-Education Appropriations bill, by a vote of 52–43. I voted against this measure because of my belief that it provides an unjustified increase in federal spending and employs a variety of gimmicks that are meant to hide the true size of its costs.

As my colleague from Texas, Senator GRAMM, recently pointed out, the fiscal year 2001 Labor-HHS bill increases discretionary spending by more than 20

percent when compared to last year's bill. As it is, this is incredible growth in discretionary spending; however, to truly emphasize the enormity of this increase, my colleagues should consider that this growth in spending is roughly 10 times the current rate of inflation.

The bill hides this massive increase in discretionary spending by using a variety of gimmicks. First, it proposes to offset the new spending by making cuts in crucial mandatory programs, such as the Social Services Block Grant (SSBG), the State Children's Health Insurance Program (S–CHIP) and Temporary Assistance for Needy Families (TANF). After a number of colleagues and I expressed our concern over using these programs as spending offsets, Appropriations Committee Chairman STEVENS pledged his support to vitiate these cuts when the Labor-HHS bill is considered in Conference. While I commend Chairman STEVENS for his commitment to restoring these funds, it is my belief that the Appropriations Committee never should have tapped into these programs in the first place. It is my hope that the Conferees will, as they remove these offsets, look to decrease the overall level of discretionary spending in the bill rather than search for other sources.

Second, the bill moves up by 3 days the first Supplemental Security Income (SSI) payment date of Fiscal Year 2001 so that it falls, instead, in Fiscal Year 2000. Although such a change sounds innocuous, the ramifications of this action are tremendous.

As my colleagues know, the start of the next fiscal year begins on October 1, 2000. By moving the first SSI payment date of the year a few days earlier, it will fall in the waning days of fiscal year 2000 and be paid for out of the fiscal year 2000 on-budget surplus. The end result of this gimmick is that not only does it increase spending in FY 2000 by $2.4 billion, which is, by the way, money I would rather see go to debt reduction. But it also frees up another $2.4 billion in Fiscal Year 2001 for Congress to spend.

Finally, despite the fact that the bill increases discretionary spending by a whopping 20 percent, it still fails to prioritize and target resources towards those programs that are the responsibility of the federal government, such as fully funding our commitment under the Individuals with Disabilities Education Act (IDEA). The high cost of educating disabled students continues to place a heavy burden on our local school districts. If the federal government met its obligation to fund IDEA at the level it promised in 1975, local communities would have resources left over to fund their own education priorities.

Instead, this appropriations bill, while increasing funding for IDEA by $1.31 billion over last year's bill and by $984 million above President Clinton's request, does not make enough progress on IDEA. Before the federal government increases spending on new programs, it should be fully funding its promise to supply up to 40 percent of the cost of educating disabled children.

Mr. President, what Congress has done in this Labor-HHS bill proves that we must face facts: Congress is addicted to spending. We will use any gimmick, any trick, any scheme we can think of to spend money. Often, it is for things that we don't need, things that are not a federal responsibility or things that we cannot afford.

Instead of using cuts in mandatory programs and accounting shifts to pay for massive increases in discretionary programs, we need to prioritize our spending and make the hard choices when necessary. We have used budgetary shenanigans far too often to obfuscate the size of spending increases, and it is long past time for this practice to end.

It is for these reasons, Mr. President, that I felt compelled to vote against the Labor-HHS Appropriations bill, and I do not believe that I am alone in my concerns regarding this legislation. It is my sincere hope that when the conferees meet to put together the final version of this legislation, they will consider and address the items that I have mentioned.

Mr. President, I also would like to take this opportunity to voice my concern over the conference report to H.R. 4425, the Military Construction Appropriations bill, which the Senate approved on June 30 by a voice vote. If it had been the subject of a roll call vote, I would have voted against final passage of this bill.

My concern with this legislation does not rest with the Military Construction portion of the conference report. Indeed, I voted for the bill when it originally came before the Senate in May. Rather, my concern lies with what was added to the bill since the time the Senate first passed it.

While in conference, the Military Construction Appropriations bill became the vehicle to which Fiscal Year 2000 emergency supplemental appropriations were attached. In times of true emergency, Mr. President, I believe that Congress has an obligation to ensure that supplemental funds are provided to cover unexpected expenses. That is why I have no objection to providing emergency funds for our operations in Kosovo and to those unfortunate Americans who have been the victims of natural disasters.

However, I do not believe that we should provide emergency funding for items that are not true emergencies in an effort to avoid budget rules. Unfortunately, that is precisely what H.R. 4425 does. This bill provides taxpayer dollars for such ''emergencies'' as the winter Olympic Games, a sea life center in Alaska and a new top-of-the-line Gulfstream jet aircraft for the Commandant of the U.S. Coast Guard.

In recent years, we have seen remarkable growth in the use of emergency designations as a way to bypass the spending caps so that Congress can avoid making tough choices. Fiscal year 2000 is certainly no exception. In fact, we will be setting a new record for ''emergency'' spending in this fiscal year with a final tally of more than $40 billion.

I should also add, Mr. President, that H.R. 4425 speeds up government paydays and uses other accounting shifts to move nearly $12 billion of fiscal year 2001 spending into fiscal year 2000. Just as with the Labor-HHS Appropriations Bill, the conference committee used this gimmick in order to free up an additional $12 billion for Congress to spend in Fiscal Year 2001.

Mr. President, rather than devising new, more ingenious ways to avoid fiscal discipline, we should be endeavoring to restore honesty and integrity to the congressional budget process. As I have stated on previous occasions, if any American was to cook his or her books the way the federal government does, that individual no doubt would be sent to jail very quickly. We cannot continue to apply a double standard. We must live within our means, delineate responsibility between the state and local governments and the federal government and pay for those items accordingly, and for Heaven's sake, if we have any on-budget surplus funds, use those funds to pay down the National Debt.

I will continue to monitor the progress of the remaining appropriations bills, and I encourage my colleagues to work with me to make sure that we spend federal tax dollars wisely.

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

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VIOLENCE AGAINST WOMEN ACT OF 2000

Mr. ROCKEFELLER. Mr. President, in 1994 we passed the original Violence Against Women Act, creating programs that addressed the many forms of domestic violence all-too prevalent in the United States today. The bill helped communities create shelters, build partnerships among law enforcement agencies to respond to violence against women, and provide legal assistance to battered women. The bill also established a domestic violence hotline that receives hundreds of calls daily from people concerned about violence in their families. Now, we have the opportunity and responsibility to reauthorize this legislation to give women and children a way out of violent and unhealthy situations.

For groups that strive to combat domestic violence, the original Violence Against Women Act was a turning point in their battle. In my state, the West Virginia Coalition Against Domestic Violence stands as an outstanding example of the great work that groups devoted to the noble cause of stamping out domestic violence can do when Congress acts appropriately. With the added funding provided by the Violence Against Women Act, the Coalition was able to quadruple its staff, increase the budgets of its shelters to

meet their day-to-day needs, and increase services to under-served parts of the population of West Virginia. Many of the women who escape from violent homes cannot afford legal services, but thanks to grants authorized under the Violence Against Women Act, thirteen civil legal assistance programs are now in place around West Virginia providing free representation for women.

The Coalition also computerized its entire network, enabling instant communication with offices in other parts of rural West Virginia. By creating a database that compiles information on offenders from all over the state, they were able to work with regional jails, sheriffs, and other law enforcement agencies to use this valuable resource. I am proud to say that several other states have used West Virginia's system as a model, helping to combat domestic violence within their borders.

Passing the Violence Against Women Act of 2000 not only sustains existing programs, but creates several new initiatives that extend help to different groups and communities. The bill establishes a new formula for calculating some of the grants, enabling small states like West Virginia to continue to expand their services. In addition, it augments current policies with protections for older and disabled women, and builds on legal assistance programs to further expand coverage.

Perhaps most importantly, the passage of this legislation conveys the important message that the federal government considers domestic violence to be a serious issue. Those of us in Congress share in this concern with the people we serve. We can take some pride that by acting to address these problems, we may have moved some State governments to improve their services to abused spouses and children, and to increase the penalties meted out to the abusers.

By paying attention to this enormously important issue, and by enhancing the current legislation, we are taking steps in the right direction. Although the measures in the original legislation have helped to alleviate the problem, we must continue to wage a persistent fight as long as anyone feels unsafe in their homes.

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FY 2000 SUPPLEMENTAL APPROPRIATIONS

Mr. HARKIN. Mr. President, on the Friday before the July 4 recess, the Senate passed the military construction appropriations bill, which included the supplemental spending package, by voice vote. Although there were a number of meritorious items in that bill, if there had been an up or down vote, I would have voted against it for a number of reasons.

I was extremely disappointed in the Conferees' decision to drop the $5 million in emergency methamphetamine cleanup funds from the supplemental package.

There was strong support for this provision from both Democrats and Republicans. And it was included in both the House and Senate supplemental packages.

So, it doesn't make sense why it was suddenly dropped—especially when we're talking about dangerous chemical sites that are left exposed in our local communities. Without this provision, the bill provides hundreds of millions to help a foreign country fight a drug war, but turns a blind eye to one of the biggest drug problems right in our own back yards. That is unacceptable.

Our failure to fund the cleanup of these labs is all the more disappointing because this bill is bloated with pork. There is $700 million here for the Coast Guard alone, including $45 million for a C–37A aircraft for the Coast Guard. The C–37 is a Gulfstream V executive jet. It's not even your average corporate jet, but one of the most expensive, top-of-the-line crafts

Why should the American taxpayers pay $45 million so the Coast Guard officers can fly in luxury, when the military has trouble keeping its planes aloft because they lack spare parts? There is a drug crisis in this country and an immediate need for funds for peacekeeping operations, but that's no reason to buy luxury jets in an emergency spending bill.

Mr. President, without the meth funding, states and local communities will have to bear the burden of cleaning up these highly toxic sites that are found every day in Iowa and throughout the Midwest, West and Southwest.

In recent years, the Drug Enforcement Agency has provided critical financial assistance to help clean up these dangerous sites, which can cost thousands of dollars each.

Unfortunately, in March, the DEA ran out of funds to provide methamphetamine lab cleanup assistance to state and local law enforcement. That's because last year, this funding was cut in half while the number of meth labs found and confiscated has been growing.

In late May, the Administration shifted $5 million in funds from other Department of Justice Accounts to pay for emergency meth lab cleanup. And I believe that will help reimburse these states for the costs they have incurred since the DEA ran out of money. My state of Iowa has already paid some $300,000 of its own pocket for cleanup since March.

However, we've got months to go before the new fiscal year—and the number of meth labs being found and confiscated are still on the rise. My $5 million provision in this emergency spending package would have provided enough money to pay for costly meth lab cleanup without forcing states to take money out of their other tight law enforcement budgets.

If we can find the money to fight drugs in Colombia, we should be able to find the money to fight drugs in our own backyard. We should not risk exposing these dangerous meth sites to our communities.

So I urge the Senate to support adding the $5 million in emergency meth cleanup funds to the FY 2001 Foreign Operations spending bill or another appropriations vehicle. It is unfair to force our state and local communities to shoulder this financial burden alone.

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NOMINATION OF MADELYN CREEDON

Ms. LANDRIEU. Mr. President, I wish to add my voice to that of my colleagues on behalf of Madelyn Creedon's nomination. She has been selected by the President to become the first Deputy Administrator for defense programs in the new National Nuclear Security Administration, NNSA, at the Department of Energy. I had the privilege of working closely with Madelyn while she served on the minority staff for the Strategic Forces Sub-Committee. I have great respect for her ability and judgment, and I'm confident she will do an excellent job for General Gordon and the country. In addition to being skillful and reliable, Madelyn's knowledge of DOE issues is absolutely unsurpassed. Besides her work on the Senate Armed Services Committee, she was the Associate Deputy Secretary of Energy for National Security Programs at DOE, General Counsel for the Defense Base Closure and Realignment Commission, majority Counsel for the Senate Armed Services Committee under the Chairmanship of Senator Sam Nunn, and finally, trial attorney and Acting Assistant General Counsel with the DOE. Her entire career has prepared her for this important assignment, and it should be no surprise that the President asked her to help lay the foundation for the success of the NNSA. As a member of the Senate, you rarely get the opportunity to vote on the nomination of someone you have observed as closely as I have observed Madelyn. Having done so, I lend her my unqualified support. Mr. President, I have but to note the vote of support by the members of the Armed Services Committee. The high esteem that I hold Madelyn is reflected throughout. This Chamber will be proud of its vote today, and we will be lucky to have Madelyn serve her country in this capacity. I congratulate Madelyn and her family. I will miss having her guidance and work ethic on the Strategic Subcommittee. However, our loss is truly the country's gain.

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THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 10, 2000, the Federal debt stood at $5,662,949,608,628.38 (Five trillion, six hundred sixty-two billion, nine hundred forty-nine million, six hundred eight thousand, six hundred twenty-eight dollars and thirty-eight cents).

Five years ago, July 10, 1995, the Federal debt stood at $4,924,015,000,000 (Four trillion, nine hundred twenty-four billion, fifteen million).

Ten years ago, July 10, 1990, the Federal debt stood at $3,153,274,000,000 (Three trillion, one hundred fifty-three billion, two hundred seventy-four million).

Fifteen years ago, July 10, 1985, the Federal debt stood at $1,794,793,000,000 (One trillion, seven hundred ninety-four billion, seven hundred ninety-three million).

Twenty-five years ago, July 10, 1975, the Federal debt stood at $531,474,000,000 (Five hundred thirty-one billion, four hundred seventy-four million) which reflects a debt increase of more than $5 trillion—$5,131,475,608,628.38 (Five trillion, one hundred thirty-one billion, four hundred seventy-five million, six hundred eight thousand, six hundred twenty-eight dollars and thirty-eight cents) during the past 25 years.

ADDITIONAL STATEMENTS

RETIREMENT OF PETER J. LIACOURAS

● Mr. SANTORUM. Mr. President, I rise today to recognize a dear friend who retired after an outstanding tenure at one of our great public research universities. On June 30, 2000, Peter J. Liacouras stepped down as President of Temple University in Philadelphia, Pennsylvania after eighteen years of service in this capacity.

A Temple professor of Law for almost 40 years and a former Dean of Temple University's Beasley School of Law, Mr. Liacouras served as the University's chief executive since June of 1982. Under his leadership, Temple University achieved national and international prominence as a center for research, teaching, and public service.

With vision and confidence, he presided over a university with nearly 29,000 students; a world-class faculty; 16,000 full-time and part-time employees; a renowned Health Sciences Center, the Temple University Health System, Inc., with seven hospitals and two nursing homes; 210,000 proud graduates throughout the world; an annual budget of more than $1 billion; successful, long-established campuses in Rome, Italy, and Tokyo, Japan; and educational programs in Great Britain, France, Jamaica, Greece, Israel, Ghana, the People's Republic of China, and other nations.

Throughout his career at Temple, Mr. Liacouras worked vigorously and tirelessly in the pursuit of excellence. The bedrock of his administration was a commitment to improving undergraduate, graduate, and professional education within his institution, and he restructured Temple's schools and colleges to meet the needs of students and the world they enter after graduation.

He was an advocate of opening colleges and universities to persons from historically underrepresented groups—an effort which led to Temple becoming the first university to receive the U.S. Labor Department's coveted Exemplary Voluntary Effort (EVE) Award. As Dean of the Law School, this son of Greek immigrants earned national recognition for developing fair and sensible admissions policies for professional schools.

President Liacouras was also a leader in bringing change to his University and anticipating even greater change in the future. His ''Report to the Board of Trustees on Strategic Initiatives'' helped Temple reposition itself in a radically changing environment for higher education. With his direction, the University launched Virtual Temple, a for-profit subsidiary to market courses on the Internet.

He dramatically improved his university's town-gown relationship with its surrounding communities. While strengthening Temple's overseas educational programs, he led the way for the University and the Commonwealth of Pennsylvania to invest in the University's Main Campus, with such projects as the Temple University Children's Medical Center, The Liacouras Center, The Tuttleman Learning Center, and the Independence Blue Cross Student Recreation Center.

His strategic vision for the Main Campus helped revitalize North Central Philadelphia. As a result, community residents are seeing new housing and new retail and entertainment projects in their neighborhoods—and Temple is experiencing an unprecedented influx of talented students who want an education in a great city.

Mr. President, I doubt that few institutions could rival Temple University for its accomplishments and progress during the remarkable stewardship of President Liacouras. I would like to thank my friend for his extraordinary success in leading Temple University to new heights of greatness as one of America's important centers of higher education.●

TRIBUTE TO NATALIE DAVIS SPINGARN

● Mr. LIEBERMAN. Mr. President, on June 6, 2000. we lost a very courageous, brilliant, and dedicated American, Natalie Davis Spingarn. A noted writer, public servant, and leading advocate for cancer patients, Natalie was also a good friend who I miss greatly. She suffered many health problems over the years, but she lived her life with purpose, grace, and humor. Natalie built on her own experience as a cancer patient to lead the cancer survivor movement and to work for improved care and services for cancer patients.

I met Natalie in 1963, when she was the press secretary for the late Senator Abraham Ribicoff and I was a summer intern. Natalie made a great impression on me then and, quite a few years later, Natalie served as a senior intern in my Senate office where she contributed her wealth of experience and knowledge to my efforts in the area of health policy. Natalie was a trusted adviser, who endeared herself to my staff and me with her wisdom, energy, compassion, and wit.

Mr. President, I would like to call the attention of my colleagues to a wonderful article about Natalie Spingarn that appeared on June 7 in The Washington Post. Natalie was a frequent contributor to the Health section of the Post, and I know she would be proud to see Bart Barnes' tribute reprinted in the CONGRESSIONAL RECORD.

The tribute follows:

AUTHOR NATALIE DAVIS SPINGARN DIES

(By Bart Barnes)

Natalie Davis Spingarn, 78, an author and former federal official who for 26 years had written books and articles about her recurring bouts with cancer, died of pancreatic cancer June 6 at the Washington Home Hospice.

Mrs. Spingarn, who initially was diagnosed with metastatic breast cancer in 1974, was a leader in the cancer survivorship movement, a writer on health care policy and a patients' advocate with cancer patient support organizations.

Her writings included a 1988 ''Cancer Patient's Bill of Rights,'' ''Hanging in There: Living Well on Borrowed Time'' and ''The New Cancer Survivors: Living With Grace, Fighting With Spirit,'' which was published by John Hopkins University Press last year.

''The biopsy is positive. You have cancer,'' she wrote in ''The New Cancer Survivors,'' commencing her account of the experience shared by an estimated 8.2 million Americans who have a history of cancer.

''Spingarn distills the diversity of the cancer survivor experience, finding the commonality among them,'' wrote Frances M. Cisco, a 12-year survivor of breast cancer and the president of the National Breast Cancer Coalition, in an April 18 review of Mrs. Spingarn's book published in The Washington Post. ''With compassion, insight and occasional humor, Spingarn pulls the reader into the world of what she terms 'the new breed of cancer survivors.' These are not passion victims but confident individuals, ready to speak up to seek out what they need to lead quality lives.''

Mrs. Spingarn, a former staff assistant to Abraham A. Ribicoff, both during is tenure as secretary of health, education and welfare and as a Democratic senator from Connecticut, was an officer of the War on Poverty in th late 1960's and early 1970's. She was also a freelance writer who had written articles for The Washington Post and other organizations.

She was active in Democratic Party politics and had been a D.C. delegate to two Democratic National Conventions. During the 19689 presidential campaign of Hubert H. Humphrey, she traveled with the vice president as a speech writer.

Mrs. Spingarn, a resident of Washington, was born in New York and graduated from Vassar College. She began her professional career as a reporter on the New York newspaper PM shortly after college, then came to Washington with her husband after World War II.

She joined Ribicoff as his executive assistant at HEW in 1961 and remained with him after his 1962 election to the Senate. In 1967, she returned to HEW as assistant director for communications and training at the center for community planning, which was established to coordinate urban efforts in the War on Poverty. She remained on that job through the early 1970s. Later, she was a public affairs assistant at the Department of

Education and a D.C. General Hospital commissioner. She was a White House volunteer in the Clinton administration.

In the years after her breast cancer was diagnosed in 1974, Mrs. Spingarn wrote increasingly about issues related to cancer treatment and care. She reviewed several books on health care for the Health section of The Washington Post, and she wrote first-person accounts about her own treatment and care.

She had a family history replete with cancer. Her grandmother died of cancer. Both her sisters had breast cancer, and one died of pancreatic cancer. A son survived a bout with lymphoma.

In 1977 and 1979, Mrs. Spingarn experienced new diagnoses of cancer.

''In my work, I write usually about health policy matters. . . . In my life I am a patient, a role which takes time—too much time,'' she wrote in The Washington Post in 1980. ''I am living still in my Washington hospital bed. . . . A nurse comes in to check on me. . . . 'What's the matter with you?' she wants to know . . . my disease seems to her my fault. She makes no move toward me, even to inquire if I need anything, and observes that I should have talked to the doctor about avoiding its spread . . .''

In 1981, she wrote about her search for a holistic means of dealing with cancer. ''I had flirted with the idea that my emotions might affect my cancer pain during a period a few years ago when I suffered especially nagging backaches. I had discarded clumsy back brace, which made me sweat and my clothes balloon. Doctors and a pain clinic had only given me more pills . . . the latest had made my hands tremble.''

In the ensuing years, Mrs. Spingarn would write of needs for long-term care and increased mental health services for cancer patients, rules and regulations that often appeared to be contradictory and cause unnecessary hardship, and waste, fraud and inefficiency that many patients routinely encounter.

She won an award at the John Muir Medical Film Festival for a film, ''Patients and Doctors: Communication Is a Two-Way Street,'' and she served on the boards of the National Coalition for Cancer Survivorship and the International Alliance of Patient Organizations.

Survivors include her husband, Jerome Spingarn of Washington; two sons, Jonathan Spingarn of Atlanta and Jeremy Spingarn of Norwood, Mass.; a brother; a sister; and two grandchildren.

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THE SINDTS' 50TH WEDDING ANNIVERSARY

● Mr. ASHCROFT. Mr. President, families are the cornerstone of America. Individuals from strong families contribute to the society. It is both instructive and important to honor those who have taken the commitment of ''till death us do part'' seriously, demonstrating successfully the timeless principles of love, honor, and fidelity. These characteristics make our country strong.

For these important reasons, I rise today to honor Merrill and Barbara Sindt of Jefferson City, Missouri, who will celebrate their 50th wedding anniversary in August. My wife, Janet, and I look forward to the day we can celebrate a similar milestone. The Sindts' commitment to the principles and values of their marriage deserves to be saluted and recognized.●

SOUTH CAROLINA PEACHES

● Mr. HOLLINGS. Mr. President, I rise to recognize South Carolina's peach farmers for their hard work and their delicious peaches.

Today, peaches from my home State have been delivered to offices throughout the Senate and the U.S. Capitol. Thanks to South Carolina's peach farmers, those of us here in Washington will be able to cool off from the summer heat with delicious peaches.

For a relatively small State, South Carolina is second in the Nation in peach production. In fact, this year farmers across my State planted more than 16,000 acres of peaches. As my colleagues can attest, these are some of the finest peaches produced anywhere in the United States.

As we savor the taste of these peaches, we should remember the work and labor that goes into producing such a delicious fruit. While Americans enjoy peaches for appetizers, entrees and desserts, most do not stop to consider where they come from. Farmers will be laboring all summer in the heat and humidity to bring us what we call the ''perfect candy.'' What else curbs a sweet tooth, is delicious, nutritious and satisfying, but not fattening?

The truth is, Mr. President, our farmers as too often the forgotten workers in our country. Through their dedication and commitment, our nation is able to enjoy a wonderful selection of fresh fruit, vegetables and other foods. In fact, our agricultural system, at times, is the envy of the world.

Mr. President, as Senators and their staff feast on these delicious peaches, I hope they will remember the people in South Carolina who made this endeavor possible: The South Carolina Peach Council, David Winkles and the entire South Carolina Farm Bureau. They have all worked extremely hard to ensure that the U.S. Senate gets a taste of South Carolina.

I am sure everyone in our Nation's Capitol will be smiling as they enjoy these delicious South Carolina peaches.●

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RECOGNITION OF THE DESTINATION IN IMAGINATION TEAM FROM PIONEER MIDDLE SCHOOL

● Mr. GORTON. Mr. President, it is not often that over 8,000 kids from all over the world are brought together to celebrate their creativity and problem solving skills, but thanks to a program called Destination ImagiNation, it became a reality in May of this year when Destination ImagiNation held their Global Finals at Iowa State University. A five-student team from Pioneer Middle School in Wenatchee, Washington were able to participate in the D2K finals and were a great success when they finished fourth in the ''Instant PUDDING Improv'' category.

Destination ImagiNation is a nonprofit corporation that offers young people a chance to participate in a global, youth-centered, creative problem solving program. The Destination ImagiNation program has two components: ''Instant Challenges'' that teach students to take what life is handing them moment to moment and requires them to solve a challenge on the spot; ''Team Challenges'' use art, technology, performance, and real world relevance as they tackle one of the six challenges, that can take from several weeks to several months to develop.

The team from Pioneer Middle School included Carly Faulkner, Kari Opp, Whitney Faulkner, Jessica Pinkston and Aaron Galbraith. Utilizing their critical thinking and problem-solving skills, these amazing individuals were able to perform an improvisational story with only a half and hour to prepare. Not only were there time limits, but they were given predetermined props and a list of 12 people, places, and times that had to be incorporated into their performance.

Can you imagine having to correlate Ghandi, the Egyptian Pyramids, Tinkerbell, and someone winning a million dollars in the Lotto into a coherent and entertaining piece? Successfully, the 8th graders were able to accomplish just that. Surely, this takes a tremendous deal of teamwork and quick thinking!

Their coach, Shelly Skaar, who is a librarian for the East Wenatchee School District, has been with the team twice at the D2K competition. ''The impact on the kids has built their teamwork, problem solving abilities, and even incorporates acting into how they compete,'' says Shelly.

Clearly, this is a confidence building tool that allows children to capitalize on their creativity and be proud of their ideas. I applaud the positive nature of Destination ImagiNation, and am glad that so many children across the nation and around the globe are taking part in such an original competition.●

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RECOGNITION OF ''STEPMOTHER'S DAY''

● Mr. SANTORUM. Mr. President, I rise today to offer my support for the many stepparents that contribute to the lives of the children that they help raise. I was sent a letter on May 21, 2000 from Mrs. Joyce Capuzzi informing me that the Sunday after Mother's Day would now be Stepmother's Day.

Joyce's stepdaughter, Lizzie, came to this decision as she recognized the importance of the relationship she has with her stepmother. I commend both Joyce and Lizzie for embracing their new family members in this manner.

Many people are blessed with step-relationships similar to the Capuzzis. However, none have ever illustrated that with the idea of creating a holiday just for the recognition of this type of relationship. It is wonderful that Lizzie Capuzzi holds so much love for her stepmother, and it is my hope that they their relationship can be an example for other stepfamilies.●

GORDON B. HINCKLEY'S 90TH BIRTHDAY

• Mr. ASHCROFT. Mr. President, I rise today to encourage my colleagues to join me in congratulating Mr. Gordon Hinckley, who celebrated his 90th birthday on June 23, 2000. Mr. Hinckley is a remarkable individual. He has witnessed and been involved in many of the events that have shaped our nation into the greatest the world has ever known. The longevity of his life has meant much more, however, to the many relatives and friends whose lives he has touched over the last 90 years.

Mr. Hinckley's celebration of 90 years of life is a testament to America. His achievements are significant and deserve to be recognized. I would like to join his many friends, relatives, and colleagues in wishing him health and happiness, including rich and fulfilling friendships, in the future. I salute him.•

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MESSAGE FROM THE HOUSE

At 2:16 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to section 5(a) of the Abraham Lincoln Bicentennial Commission Act (36 U.S.C. 101 note) and the order of the House of Thursday, June 29, 2000, the Speaker on Friday, June 30, 2000 appointed the following member on the part of the House to the Abraham Lincoln Bicentennial Commission to fill the existing vacancy thereon: Ms. Lura Lynn Ryan of Illinois.

The message also announced that the House passed the following bill, without amendment:

S. 986. An act to direct the Secretary of the Interior to convey the Griffith Project to the Southern Nevada Water Authority.

The message further announced that the House agreed to the following concurrent resolution, without amendment:

S. Con. Res. 129. A concurrent resolution expressing the sense of Congress regarding the importance and value of education in United States history.

The message also announced that the House passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1787. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984.

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama.

The message further announced that the House agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 322. A concurrent resolution expressing the sense of the Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent, and referred as indicated:

H.R. 4132. An act to reauthorize grants for water resources research and technology institutes established under the Water Resources Research Act of 1984; to the Committee on Environment and Public Works.

H.R. 4286. An act to provide for the establishment of the Cahaba River National Wildlife Refuge in Bibb County, Alabama; to the Committee on Environment and Public Works.

The following concurrent resolution was read and referred as indicated:

H. Con. Res. 322. A concurrent resolution expressing the sense of the Congress regarding Vietnamese Americans and others who seek to improve social and political conditions in Vietnam; to the Committee on Foreign Relations.

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MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 1787. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

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ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, July 11, 2000, he had presented to the President of the United States the following enrolled bill:

S. 148. An act to require the Secretary of the Interior to establish a program to provide assistance in the conservation of neotropical migratory birds.

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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–9619. A communication from the Inspector General of the National Science Foundation, transmitting, pursuant to law, a notice relative to the fiscal year 2000 audit of the NSF's financial statements; to the Committee on Health, Education, Labor, and Pensions.

EC–9620. A communication from the President of Haskell Indian Nations University, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of the final plan of the demonstration project for HINU; to the Committee on Indian Affairs.

EC–9621. A communication from the Director of the Office of Regulations Management, Department of Veteran Affairs, transmitting, pursuant to law, the report of a rule entitled ''The Veterans Millennium Health Care and Benefits Act'' (RIN2900–AK04) received on July 10, 2000; to the Committee on Veterans' Affairs.

EC–9622. A communication from the General Council, Office of Size Standards, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled ''Small Business Size Standards: General Building Contractors, Heavy Construction, Except Building, Dredging and Surface Cleanup Activities, Special Trade Contractors, Garbage and Refuse Collection, Without Disposal, and Refuse Systems'' (RIN3245–AE23) received on July 10, 2000; to the Committee on Small Business.

EC–9623. A communication from the Director of Operations and Finance, The American Battle Monuments Commission, transmitting, pursuant to law, the report under the Freedom of Information Act for fiscal year 1999; to the Committee on the Judiciary.

EC–9624. A communication from the Vice-Chairman of the Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled ''Election Cycle Reporting by Authorized Committees'' received on July 7, 2000; to the Committee on Rules and Administration.

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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–528. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to apple cider; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE CONCURRENT RESOLUTION 35

Whereas, New Hampshire has over 60 small family-run cider mills which will likely be forced to close if the United States Food and Drug Administration (USFDA) proceeds with new rules requiring pasteurization of apple cider offered for sale to the consuming public; and

Whereas, the costs of installing pasteurization equipment are prohibitive and are beyond the means of all but the very largest commercial apple cider makers; and

Whereas, alternative technologies using either ultraviolet rays or a strict process of washing and rinsing of the raw apples can accomplish the USFDA's goal of a 100,000-fold bacteria reduction: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That in order to preserve our tradition of making fine apple cider at local mills based at New Hampshire orchards, we urge the USFDA to defer its proposed rules requiring pasteurization for apple cider and instead consider adoption of processing standards which can achieve the same level of public protection at reasonable cost to our small cider makers; and

That copies of this resolution be sent by the house clerk to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Administrator of the United States Food and Drug Administration, and each member of the New Hampshire congressional delegation.

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POM–529. A joint resolution adopted by the Legislature of the State of New Hampshire relative to local television access; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE JOINT RESOLUTION 26

Whereas, access to local broadcast television signals in certain rural areas is limited or unavailable and measures to facilitate the provision of local signals in unserved and underserved markets is required; and

Whereas, the United States Congress will again consider legislation establishing incentives including loan guarantees for multichannel video services to provide the access to local broadcast television signals in unserved and underserved rural areas: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the New Hampshire Senate and House of Representatives support the improved access to local television for households in unserved and underserved rural areas; and

That the United States Congress is urged to enact legislation which establishes incentives including loan guarantees for multichannel video services to provide the access to local broadcast television signals in unserved and underserved rural areas; and

That copies of this resolution be sent by the house clerk 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 the New Hampshire congressional delegation.

POM–530. A resolution adopted by the General Assembly of the State of New Jersey relative to domestic dog and cat fur; to the Committee on Commerce, Science, and Transportation.

ASSEMBLY RESOLUTION NO. 54

Whereas, A recent investigation conducted by the Humane Society of the United States and others revealed that approximately two million domestic dogs and cats are killed annually worldwide for their fur as part of an extensive international trade in the pelts of these animals, and that the method of killing is often exceedingly cruel; and

Whereas, Domestic dog and cat fur products are sometimes marketed in the United States, as evidenced, for example, by recent news stories reporting the sale of fur-trimmed coats labeled as ''Mongolia dog fur'' in New Jersey; and

Whereas, Federal law does not prohibit the practices of importing, selling, or using domestic dog or cat fur in garments and only requires the labeling of the fur used when the product costs more than $150; and

Whereas, The importation and use of domestic dog and cat fur in garments or other products sold in the United States is shocking and does not comport at all with the generally accepted view of these animals as human companions: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The Congress of the United States is respectfully memorialized to enact legislation as soon as possible prohibiting the importation into the United States, or sale, of domestic dog or cat fur or any product made in whole or in part therefrom. For the purposes of this resolution, ''domestic dog or cat'' means a dog (Canis familiaris) or cat (Felis catus or Felis domesticus) that is generally recognized in the United States as being a household pet and shall not include coyote, fox, lynx, bobcat, or any other wild canine or feline species.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the majority and minority leaders of the United States Senate and of the United States House of Representatives, every member of Congress elected from the State, the Secretary of the United States Department of Commerce, and the chairman and each commissioner of the Federal Trade Commission.

POM–531. A concurrent resolution adopted by the Legislature of the State of New Hampshire relative to taxes; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 27

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine pubic policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule, or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts, with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government to reaffirm, in no uncertain terms, that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government whom they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the peoples' wishes: Now, therefore, be it

Resolved by the House of Representatives, the Senate concurring: That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows: ''Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof; or an official of such a state or political subdivision, to levy or increase taxes''; and

That this application for an amendment to the Constitution is a continuing application in accordance with Article V of the Constitution of the United States; and

That the house clerk transmit copies of this resolution to the President and Vice President of the United States, the Speaker of the United States House of Representatives, and each member of the New Hampshire Congressional delegation.

POM–532. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the Individuals with Disabilities Education Act; to the Committee on Health, Education, Labor, and Pensions.

POM–533. A joint resolution adopted by the Legislature of the State of Tennessee relative to proposed ergonomics standards; to the Committee on Health, Education, Labor, and Pensions.

SENATE JOINT RESOLUTION NO. 610

Whereas, Tennessee has enacted a comprehensive workers' compensation system with incentives to employers to maintain a safe workplace, to work with employees to prevent workplace injuries, and to compensate employees for injuries that occur; and

Whereas, Section 4(b)(4) of the Federal Occupational Safety and Health Act, 29 U.S.C. §653(b)(4), provides that ''Nothing in this chapter shall be construed to supersede or in any manner affect any workmen's compensation law or to enlarge or diminish or affect in any other manner the common law or statutory rights, duties or liabilities of employers and employees under any law with respect to injuries, diseases, or death of employees arising out of, or in the course of, employment.''; and

Whereas, The Occupational Safety and Health Administration (''OSHA''), notwithstanding this statutory restriction and the constitutional, traditional and historical role of the states in providing compensation for injuries in the workplace, has nevertheless published a proposed rule that, if adopted, would substantially displace the role of the states in compensating workers for musculoskeletal injuries in the workplace and would impose far-reaching requirements for implementation of ergonomics programs; and

Whereas, The proposed rule creates in effect a special class of workers' compensation benefits for ergonomic injuries, requiring payment of up to six months of wages at ninety percent (90%) of take-home pay and one hundred percent (100%) of benefits for absence from work; and

Whereas, The proposed rule would allow employees to bypass the system of medical treatment provided by Tennessee law for workers' compensation injuries and to seek diagnosis and treatment from any licensed health care provider paid by the employer; and

Whereas, The proposed rule would require employers to treat ergonomic cases as both workers' compensation cases and OSHA cases and to pay for medical treatment under both; and

Whereas, The proposed rule could force all manufacturers to alter workstations, redesign facilities or change tools and equipment, all triggered by the report of a single injury; and

Whereas, The proposed rule would require all American businesses to become full-time experts in ergonomics, a field for which there is little if any credible evidence and as to which there is an ongoing scientific debate; and

Whereas, The proposed rule would cause hardship on businesses and manufacturers with costs of compliance as high as eighteen billion dollars ($18,000,000,000) annually, without guaranteeing the prevention of a single injury; and

Whereas, The proposed rule may force businesses to make changes that would impair efficiency in distribution centers; and

Whereas, This proposed rule is premature until the science exists to understand the root cause of musculoskeletal disorders, OSHA should not rush to make rules that are likely to result in a loss of jobs without consensus in the scientific and medical communities as to what causes repetitive-stress injuries, and medical researchers must answer fundamental questions surrounding ergonomics before government regulators impose a one-size-fits-all solution: Now, therefore, be it

Resolved by the Senate of the One Hundred First General Assembly of the State of Tennessee, the House of Representatives concurring, That this General Assembly hereby memorializes the United States Congress to take all necessary measures to prevent the proposed ergonomics rule from taking effect; and be it further

Resolved, That an enrolled copy of this resolution be transmitted to the Speaker and

the Clerk of the United States House of Representatives; the President and the Secretary of the United States Senate; and to each member of the Tennessee Congressional delegation.

POM–534. A resolution adopted by the Legislature of Guam relative to the Earned Credit; to the Committee on Appropriations.

RESOLUTION NO. 316

Whereas, Guam's economy has been in a prolonged recession for several years as a result of the Asian economic crisis and a reduction of military spending on Guam, resulting in drastically reduced government revenues; and

Whereas, Guam's working poor have not received their deserved Earned Income Tax Credit benefit over the last two (2) years during an especially bad time for them to go without this money; and

Whereas, in the distant past Federal funds have been used to pay for these purposes; and

Whereas, because of Guam's tax structure, funds for the Earned Income Tax Credit would come out of Guam's local treasury, *not* Federal sources, unlike in the case of state governments, who do *not* have to pay for the Earned Income Tax Credit: Now therefore, be it

Resolved, That. I Mina'Bente Singko Na Liheslaturan Guahan does hereby, on behalf of the people of Guam, respectfully request assistance from the United States Congress to appropriate Thirty-five Million Dollars ($35,000,000) for the purpose of paying for the Earned Income Tax Credit already owed to Guam's working poor; and be it further

Resolved, That. I Mina'Bente Singko Na Liheslaturan Guahan does hereby, on behalf of the people of Guam, respectfully request assistance from the United States Congress to appropriate funds annually for the continuing funding of the Earned Income Tax Credit Program; and be it further

Resolved, That the Speaker certify, and the Legislative Secretary attests to, the adoption hereof and that copies of the same be thereafter transmitted to the Honorable William Jefferson Clinton, President of the United States of America; to the Honorable Albert Gore, Jr., President of the U.S. Senate; to the Honorable J. Dennis Hastert, Speaker of the U.S. House of Representatives; to the Honorable Frank H. Murkowski, U.S. Senate; to the Honorable Don Young, U.S. Senate; to the Honorable Robert A. Underwood, Member of Congress, U.S. House of Representatives; and to the Honorable Carl T.C. Gutierrez, I Magna'lahen Guahan.

POM–535. A joint resolution adopted by the Legislature of the State of New Hampshire relative to the Ricky Ray Hemophilia Relief Fund Act; to the Committee on Appropriations.

HOUSE JOINT RESOLUTION 20

Whereas, Congress passed the Ricky Ray Hemophilia Relief Fund Act of 1998; and

Whereas, the Ricky Ray Hemophilia Relief Fund Act was passed to provide for compassionate payments to individuals with blood-clotting disorders, such as hemophilia, who contracted the human immunodeficiency virus due to contaminated blood products; and

Whereas, in its review of the events surrounding the HIV infection of thousands of people with blood-clotting disorders, such as hemophilia, a 1995 study, entitled ''HIV and Blood Supply'', of the Institute of Medicine found a failure of leadership and an inadequate institutional decision-making process in the system responsible for ensuring blood safety, concluding that a failure of leadership led to less than effective donor screening, weak regulatory actions, and insufficient communication to patients about the risk of AIDS; and

Whereas, this legislation, named after a teen-age hemophiliac who died from AIDS, was enacted to provide financial relief to the families of hemophiliacs who were devastated by the federal government's policy failure in its handling of the AIDS epidemic; and

Whereas, now that the relief bill has been signed into law by the President, Congress has been reticent to fund it: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the New Hampshire general court hereby urges Congress to fully fund the Ricky Ray Hemophilia Relief Fund, enacted into law under the Ricky Ray Hemophilia Relief Fund Act of 1998, in 1999 so that there is no delay between the authorization and timely appropriation of this relief; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the Senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States and to each member of the New Hampshire congressional delegation.

POM–536. A resolution adopted by the General Assembly of the State of New Jersey relative to the Sterling Forest, New York; to the Committee on Appropriations.

ASSEMBLY RESOLUTION NO. 106

Whereas, Sterling Forest, located in southern New York and northern New Jersey, is one of the last major undeveloped areas in the New York City metropolitan area; and

Whereas, Two important northern New Jersey drinking water sources, the Monksville Reservoir and the Wanaque Reservoir, are fed in part by streams with headwaters in Sterling Forest, and these reservoirs supply drinking water to more than two million people; and

Whereas, The State of New Jersey, particularly Passaic county, has already taken action to acquire the approximately 2,000 acres of Sterling Forest lying within New Jersey, but the major portion of the forest lies within New York; and

Whereas, In February 1998, the State of New York, with the assistance of the Palisades Interstate Park Commission, purchased 15,280 acres of land to create Sterling Forest State Park at a cost of $55 million, of which sum $10 million was contributed by the State of New Jersey, $17.5 million was contributed by the federal government, $11.5 million was contributed by various private organizations and individuals, and $16 million was contributed by the State of New York; and

Whereas, Notwithstanding that purchase, for various reasons significant acreage located in several critical areas of Sterling Forest was not acquired at that time; and

Whereas, In February 2000, Governor Pataki of New York announced the purchase of 868 acres and an agreement to purchase an additional 1,100 acres of critically important land as part of a major expansion of Sterling Forest State Park; and

Whereas, The proposed purchase of 1,100 acres will cost $8 million, of which sum the State of New York will contribute $4 million, Governor Whitman of New Jersey has announced that the State of New Jersey will contribute $1 million, and, with respect to the remainder, Governor Pataki has requested funding therefor from the federal government and will seek additional financial assistance from various private partners: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The federal government is respectfully memorialized to provide additional funding to assist in the purchase and preservation of certain portions of Sterling Forest in the State of New York.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States, the Vice President of the United States, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and the United States House of Representatives, every Member of Congress elected from the State of New Jersey and from the State of New York, the Secretary of the United States Department of Agriculture, the Secretary of the United States Department of the Interior, the Governor of the State of New York, the Palisades Interstate Park Commission, and the New Jersey District Water Supply Commission.

POM–537. A joint resolution adopted by the Legislature of the State of New Hampshire relative to the Balanced Budget Act of 1997; to the Committee on Finance.

HOUSE JOINT RESOLUTION 22

Whereas, the Medicare program has made medical services available to millions of senior and disabled citizens since its inception in 1965; and

Whereas, the success of the Medicare program relies on a fair and responsible partnership between the public and private sector to provide appropriate medical services for all eligible individuals; and

Whereas, the Balanced Budget Act of 1997 included the most comprehensive reforms to the Medicare program since its passage, resulting in a range of unintended consequences that are affecting the New Hampshire medical service delivery system accessed by our most frail and needy citizens and provided through hospitals, skilled nursing facilities, and home health agencies; and

Whereas, the Medicare revenue reductions projected by the Balanced Budget Act were intended only to slow the growth of Medicare expense, but have actually resulted in a reduction of Medicare expense that brings the 1999 expense below that of 1997 despite inflation factors of 3–5 percent during that time; and

Whereas, New Hampshire Medicare reimbursement to hospitals will be reduced by as much as an additional $200,000,000 over the next 4 years above the reductions already experienced; and

Whereas, New Hampshire home health agencies reimbursement has been reduced by $24,000,000 to date and will be reduced by an additional 15 percent of the present Medicare reimbursement by October 1, 2001; and

Whereas, further reductions will seriously damage both beneficiary access to care and the ability of providers to continue to provide needed levels of service; and

Whereas, the ameliorative measures prescribed by the Balanced Budget Refinement act of 1999 provide too little relief, restoring less than 10 percent of the reduction of Medicare revenue resulting from the Balanced Budget Act of 1997: Now, therefore, be it

Resolved by the Senate and the House of Representatives in General Court convened: That the President of the United States and Congress instruct the Health Care Financing Administration and its fiscal intermediaries that the legislative intent under the Balanced Budget Act of 1997 has been accomplished; and

That the President of the United States and Congress act to eliminate further Medicare revenue reductions of the Act and thereby protect beneficiaries' access to quality care when needed; and

That copies of this resolution, signed by the President of the Senate and the Speaker of the House of Representatives, be forwarded by the house clerk to the President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of the New Hampshire Congressional delegation.

POM–538. A resolution adopted by the General Assembly of the State of New Jersey relative to the Internal Revenue Code; to the Committee on Finance.

ASSEMBLY RESOLUTION NO. 48

Whereas, The Internal Revenue Code currently provides that an individual's personal income tax filing status depends upon whether that individual is considered married or unmarried; and

Whereas, When a married couple elects the personal income tax filing status of married filing jointly, their incomes are aggregated which often places them in a higher income tax bracket and increases their tax liability; and

Whereas, There are nearly 21 million working married couples in the United States who, as a result of the current Internal Revenue Code, pay an average of $1,400 more in taxes than an unmarried couple of identical financial means; and

Whereas, For many Americans, especially for working couples with lower incomes, $1,400 represents a considerable amount of money that could be used for other necessities of life, such as child care, college tuition or retirement savings; and

Whereas, Many working married Americans view the payment of these higher taxes as a marriage penalty which serves as an incentive to dissolve their marriage; and

Whereas, Many unmarried working Americans view their marriage penalty as a disincentive to enter into the bonds of marriage, choosing instead to live together outside of marriage; and

Whereas, Government policy should strengthen families and encourage marriage rather than penalize those who choose to marry; and

Whereas, It is altogether fitting and proper that the Legislature memorialize the United States Congress to enact H.R. 2456, known as the Marriage Tax Elimination Act, which amends the Internal Revenue Code to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals: Now, therefore, be it

Resolved by the General Assembly of the State of New Jersey:

1. The General Assembly respectfully memorializes the United States Congress to enact H.R. 2456, the Marriage Tax Elimination Act, which would amend the Internal Revenue Code to provide that married couples may file a combined return under which each spouse is taxed using the rates applicable to unmarried individuals. The Marriage Tax Elimination Act would eliminate the marriage penalty tax and bring greater parity between the tax burden imposed on similarly situated working married couples and that placed on couples living outside of marriage. Such an amendment to the Internal Revenue Code will serve to strengthen marriages and families, allow working married couples to retain more of their own resources, reduce their financial pressures, and enable them to provide for other important necessities of life, such as child care, college tuition and retirement savings.

2. Duly authenticated copies of this resolution, signed by the Speaker of the General Assembly and attested by the Clerk thereof, shall be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and every member of the United States Congress elected from the State of New Jersey.

POM–539. A resolution adopted by the House of the Legislature of the Commonwealth of Pennsylvania relative to health plan coverages; to the Committee on Finance.

HOUSE RESOLUTION NO. 380

Whereas, Pennsylvania ranks second only to Florida in the proportion of the total population of the State that is 65 years of age and older; and

Whereas, In 1997 the Medicare+Choice program was established to expand health plan options by permitting types of plans other than health maintenance organizations to participate in Medicare; and

Whereas, In response to excess payments made to participating health plans, the Balanced Budget Act of 1997 (Public Law 105–33, 111 Stat. 251) enacted payment revisions in the Medicare+Choice program to reduce future excess payments; and

Whereas, Participating health plans in the Commonwealth of Pennsylvania, such as Highmark Blue Cross, Blue Shield's Security Blue and Aetna/US Healthcare's plan, have either increased rates substantially or reduced benefits; and

Whereas, Some counties in the Commonwealth of Pennsylvania have been more severely affected by the problems of plan withdrawals, increases in premiums and decreases in benefit packages; and

Whereas, The Federal Health Care Financing Administration is authorized to review and approve Medicare prepaid health plan rates annually; therefore be it

Resolved, That the House of Representatives of the Commonwealth of Pennsylvania memorialize Congress to investigate health insurance premium increases for Medicare health maintenance organization coverage and other types of participating health plan coverage; and be it further

Resolved, That copies of this resolution be transmitted to the presiding officers of each house of Congress and to each member of Congress from Pennsylvania.

POM–540. A resolution adopted by the Senate of the Legislature of the Commonwealth of Puerto Rico relative to China; to the Committee on Finance.

SENATE RESOLUTION NO. 3459

STATEMENT OF PURPOSES

The accession of China to the World Trade Organization (''WTO'') would potentially add $1.6 billion by 2005 to the annual tally of global U.S. exports of grains, oilseeds, oilseed products, and cotton. Much of the $1.6 billion represents direct sales to China in the listed commodities, which would enjoy significantly greater access to the immense Chinese market, and the referenced figure does not take into account other commodities, such as fruit and vegetables, animal products, and tree nuts, which would also enjoy increased access once these duty reductions are implemented.

To underscore the importance of the Chinese market to the United States economy, it is worth noting that U.S. agricultural exports to China over the past twenty (20) years have grown from negligible levels to $1.1 billion in fiscal year 1999. Estimates of additional exports under China's pending accession to the WTO are based on a preliminary analysis by the U.S. Department of Agriculture's Economic Research Service (''ERS''), which analysis is based on China's WTO commitments under the comprehensive bilateral trade agreement with the United States.

In its efforts to join the WTO, China has already made significant one-way market-opening accessions across virtually every economic sector, including agriculture, manufactured goods, services, technology, and telecommunications. Farmers, workers and industries from all over the fifty (50) states, as well as U.S. territories and possessions, will greatly benefit from increased access to China's market of over one (1) billion people.

In agriculture, tariffs on U.S. priority products, such as beef, dairy and citrus fruits, will drop from an average of 31% to 14% in January 2004. China will also expand access for bulk agricultural products such as wheat, corn, cotton, soybeans and others; allow for the first time private trade in said products; and eliminate export subsidies. In manufactures, Chinese industrial tariffs will fall from an average of 25% in 1997 to 9.4% in 2005. In information technology, tariffs on products such as computers, semiconductors, and all Internet-related equipment will fall to zero by 2005. In services, China will open markets for distribution, telecommunications, insurance, express delivery, banking, law, accounting, audiovisual, engineering, construction, environmental services, and other industries.

At present, China severely restricts trading rights, i.e., the right to import and export, as well as the ability to own and operate distribution networks, which are essential in order to move goods and compete effectively in any market. Under the proposed agreement, China will phase in such trading rights and distribution services over three (3) years, and also open up sectors related to distribution services, such as repair and maintenance, warehousing, trucking and air courier services. This will allow American businesses to export directly to China and to have their own distribution network in China, rather than being forced to set up factories in China to sell products through Chinese partners, as has been frequently the case until now.

At the same time, the proposed agreement offers China no increased access to American markets. The United States agrees only to maintain the market access policies that already apply to China, and have for over twenty (20) years, by making China's current Normal Trade Relations status permanent. WTO rules require that members accord each other such status on an unconditional basis.

If Congress does not grant China ''Permanent Normal Trade Relations'' status, our European, Asian, Canadian and Latin American competitors will reap the benefits of China's WTO accession, but China would not be required to accord these benefits to the United States.

In addition to purely economic considerations, China's accession to the WTO will promote reform, greater individual freedom, and strengthen the rule of law in China, which is why the commitments already made represent a remarkable victory for Chinese economic reformers. Furthermore, WTO accession will give the Chinese people greater access to information, and weaken the ability of hardliners in the Chinese government to isolate China's public from outside ideas and influences. In view of these facts, it is not surprising that many of China's and Hong Kong's activists for democracy and human rights—including Martin Lee, the leader of Hong Kong's Democratic Party, and Ren Wanding, a prominent dissident who has spent many years of his life in prison—see China's WTO accession as the most important step toward reform in the past two decades.

Finally, WTO accession will increase the chance that in the new century, China will be an integral part of the international system, abiding by accepted rules of international behavior, rather than remain outside the system, denying or ignoring such rules. From the U.S. perspective, PNTR advances the American people's larger interest to bring China into international agreements and institutions that can make it a more constructive player in the current world, with a significant stake in preserving peace and stability.

For all of the above considerations, the Senate of Puerto Rico joins in urging the President and the Congress of the United States to pass a Permanent Normal Trade Relations (''PNTR'') agreement with China at the earliest possible moment, which will provide American farmers, workers and industries with substantially greater access to the Chinese market, to the ultimate benefit of the U.S. economy in general and the American people in particular.

Be it resolved by the Senate of Puerto Rico:

SECTION 1.—To urge the President and the Congress of the United States to approve a Permanent Normal Trade Relations (''PNTR'') agreement with China at the earliest possible date in order to promote security and prosperity for American farmers, workers and industries by providing substantially greater access to the Chinese market.

SECTION 2.— This Resolution will be officially notified to the Honorable William Jefferson Clinton, President of the United States, to the Honorable Albert Gore, Jr., Vice-President of the United States, to the Honorable Trent Lott, United States Senate Majority Leader, and to the Honorable J. Dennis Hastert, Speaker of the United States House of Representatives, as well as selected Members of the United States Congress.

SECTION 3.—This Resolution will be publicized by making copies thereof available to the local, state and national media.

SECTION 4.—This Resolution will become effective immediately upon its approval by the Senate of Puerto Rico.

POM–541. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to Internal Revenue Code; to the Committee on Finance.

HOUSE CONCURRENT RESOLUTION NO. 16

Whereas, many employees of the state of Louisiana participate in one of the four public retirement systems sponsored by the state, and these employees contribute to the applicable system in order to provide benefits which are payable to their minor children upon the death of any such employee; and

Whereas, based on federal law, the federal Internal Revenue Service allows five thousand dollars of such death benefits payable from a state retirement system to the children of deceased state employees to be excluded from gross income for the purposes of taxation, but requires any amount of benefits above that sum to be taxed as ''investment income'' under Section 61(a) of the federal Internal Revenue Code, which is contrary to the source and nature of such death benefits; and

Whereas, in contrast to state employment, there are many more people who are employed in the ''private sector'', who participate in the federal social security system and who pay contributions to that system in order to provide benefits which are payable to their minor children upon the death of any such employee; and

Whereas, also in contrast to state employment, Section 86(a) of the federal Internal Revenue Code provides an exclusion from gross income in an amount equal to one-half of death benefits payable from the social security system to children of deceased private sector employees, with the remaining half being treated as ordinary income, and prior to the 1983 tax year all such benefits were excluded from taxable income; and

Whereas, it is patently unfair to require a limit of five thousand dollars for the exclusion from income of death benefits payable to the children of public sector employees and to treat all such benefits above that limit as investment income, while simultaneously allowing an exclusion of one-half of such benefits payable to children of private sector employees and treating all such benefits above that limit as ordinary income, but not as investment income: Therefore, be it

Resolved, That the Legislature of Louisiana does hereby memorialize the United States Congress to amend Section 86(a) of the United States Internal Revenue Code, regarding the children of deceased public sector employees who receive death benefits from a state-sponsored retirement system, to provide those children with an exclusion from gross income equal to one-half of such benefits and to treat all such benefits above that limit as ordinary income, but not as investment income, and thereby bring equality of treatment to children of deceased public and private sector employees; be it further

Resolved, That a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States of America and to each member of the Louisiana congressional delegation.

POM–542 A resolution adopted by the City Council of Westfield, Massachusetts relative to Vieques, Puerto Rico; to the Committee on Armed Services.

POM–543 A petition from a Citizen of the State of Maryland relative to the Environmental Protection Agency; to the Committee on Environment and Public Works.

POM–544. A joint resolution adopted by the Legislature of the State of New Hampshire relative to the Clean Air Act; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 21

Whereas, the federal Clean Air Act provisions for best available control technology (BACT), lowest achievable emission rate (LAER), and other similar requirements have been applied such that the availability of alternative technology with slightly superior emissions reduction than a base technology could require the use of the alternative technology by all new sources; and

Whereas, the federal Clean Air Act could require this even if the alternative technology provides only slightly more emissions reduction than the base technology, or the alternative is significantly less reliable, less tested, less used, or less available than the base technology, or if the alternative technology is significantly less cost-effective than the base technology; and

Whereas, these requirements have sometimes had the effect of delaying the implementation of more cost-effective, more proven technologies with only slightly less emissions reduction, so as to increase the total amount of pollution emitted; and

Whereas, legal actions regarding the application of these BACT provisions have delayed the construction of at least one low-polluting combined cycle natural gas electric generating facility in New England; and

Whereas, these undesirable side effects should not be allowed to impede desirable cost-effective emissions reductions that lead to air quality improvements; and

Whereas, when the United States Environmental Protection Agency issued its new ozone and particulate matter standards in July, 1997, its new standards were accompanied by a message from President Clinton urging that an upper bound be placed on the cost of implementing emission reductions to meet these standards: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the United States Congress should amend the federal Clean Air Act requirements for best available control technology, lowest achievable emission rate, and other similar requirements, so that cost-effective emissions reductions can be promptly implemented without these undesirable side effects; and

That the federal Clean Air Act specifically be amended so that the availability of alternative technology with slightly superior emissions reduction than a base technology does not necessarily require the complete replacement of the base technology by the alternative technology, especially if the additional emissions reduction is small compared with the base technology; if the alternative technology is significantly less reliable, less tested, less used, or less available than the base technology; or if the alternative technology is significantly less cost-effective than the base technology; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency, and to each member of the New Hampshire congressional delegation.

POM–545. A joint resolution adopted by the Legislature of the State of New Hampshire relative to gasoline; to the Committee on Environment and Public Works.

HOUSE JOINT RESOLUTION 24

Whereas, the United States Environmental Protection Agency's National Blue Ribbon Panel on MTBE has recently examined oxygenates in gasoline in general, and methyl t-butyl ether (MTBE) in particular, and has concluded that the oxygenate requirement for gasoline of the federal Clean Air Act should be eliminated and that the use of MTBE in gasoline should be phased out; and

Whereas, state by state standards for gasoline composition would result in a complex and inefficient regulatory system for fuels, with negative financial effects on refiners and consumers: Now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened: That the United States Congress should promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Environment Protection Agency should encourage the United States Congress to promptly eliminate the oxygenate requirement for gasoline of the federal Clean Air Act; and

That the United States Congress and the United States Environmental Protection Agency should work with the northeastern states and with gasoline refiners to promptly develop and approve a consistent, effective regional specification for gasoline containing significantly less or no MTBE additive; and

That copies of this resolution signed by the governor, the speaker of the house of representatives, and the president of the senate be forwarded by the house clerk to the Speaker of the United States House of Representatives, the President of the United States Senate, the President of the United States, the Administrator of the United States Environmental Protection Agency,

and to each member of the New Hampshire congressional delegation.

POM–546. A concurrent resolution adopted by the Legislature of the State of Louisiana relative to the Coastal Wetlands Planning, Protection, and Restoration Act Task Force; to the Committee on Environment and Public Works.

HOUSE CONCURRENT RESOLUTION NO. 12

Whereas, the Coastal Wetlands Planning, Protection and Restoration Act (CWPPRA), known as the ''Breaux Act'' sponsored by Senator John Breaux, provides approximately $40 million per year in federal funding for the Louisiana wetlands protection and restoration projects approved by the CWPPRA Task Force; and

Whereas, Louisiana's barrier islands are the primary line of defense against waves from the Gulf of Mexico and protect our extensive estuarine system and the mainland marshes; and

Whereas, barrier islands help keep one of the nation's most productive fisheries vibrant, provide habitat to wildlife and furnish storm protection for homes, roads, waterways, and oil industry infrastructure; and

Whereas, these barrier islands provide valuable habitat for migratory birds, nesting shorebirds and waterfowl, and aquatic nursery habitats for fish and shellfish; and

Whereas, restoration is critical to sustaining the barrier islands and reducing mainland marsh loss; and

Whereas, the erosion and breaching of barrier islands reduces their effectiveness in preventing storm surges from reaching mainland marshes and results in increased wave damage to bay marshes; and

Whereas, Louisiana, which contains forty percent of the wetlands in the forty-eight contiguous states, is losing between twenty-five and thirty-five square miles of valuable marine habitat a year, mainly due to erosion, subsidence, and other forces; and

Whereas, the barrier islands are estimated to disappear by about 2018 if nothing is done; and

Whereas, coastal restoration projects are selected by the CWPPRA Task Force based upon the project's overall impact on coastal restoration; and

Whereas, the current selection process does not adequately appreciate the full repercussions of barrier island erosion and loss on the entire coastline; therefore be it

Resolved, That the Legislature of Louisiana memorializes the Congress of the United States and urges the CWPPRA Task Force to support modifying the selection process for projects under the Breaux Act to consider other benefits that barrier island restoration projects provide in addition to vegetated wetland benefits; be it further

Resolved, That a copy of the Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives, to each member of the Louisiana congressional delegation, and to the chairman of the CWPPRA Task Force.

POM–547. A resolution adopted by the House of the General Assembly of the State of Rhode Island relative to gasoline; to the Committee on Environment and Public Works.

HOUSE RESOLUTION

Whereas, The 1990 amendments to the federal Clean Air Act (CAA) mandated the addition of oxygenates in reformulated gasoline (RFG) at a minimum of 2% of content by weight to reduce the concentration of various types of air contaminants, including ozone and carbon monoxide, in regions of the country exceeding National Ambient Air Quality Standards, and states that opted into the program; and

Whereas, Methyl tertiary-butyl ether (MtBE), the most commonly used gasoline oxygenate in the United States and Rhode Island, is being detected in surface and groundwater supplies throughout the United States due to leaking underground petroleum storage tanks, spills, and other accidental discharges; and

Whereas, Because MtBE is highly soluble in water, spills and leaks involving MtBE-laden gasoline are considerably more expensive and difficult to remediate than those involving conventional gasoline; and

Whereas, A ''Blue Ribbon Panel'' of the U.S. Environmental Protection Agency called for the elimination of the federal oxygenate requirement and for the reduction of the use of MtBE in gasoline because of public health concerns associated with MtBE in water supplies; and

Whereas, The prescriptive requirements in the 1990 Clean Air Act Amendments for oxygenate content restrict the State's ability to address groundwater contamination and air quality issues: Now therefore be it

Resolved, That the State of Rhode Island and Providence Plantations respectfully urges and requests that the United States Congress remove the requirement in the Clean Air Act for 2% of content by weight oxygenate in reformulated gasoline while maintaining the toxic emissions reductions benefits achieved to date by the RFG program so that additional alternate fuel mixtures may be available for use in Rhode Island; and be it further

Resolved, That the Secretary of State be and he hereby is authorized and directed to transmit a duly certified copy of this resolution to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Rhode Island Congressional Delegation.

POM–548. A resolution by the Legislature of the State of New York relative to the Great Lakes; to the Committee on Environment and Public Works.

LEGISLATIVE RESOLUTION

Whereas, Water is a critical resource that is essential for all forms of life and for a broad range of economic and social activities; and

Whereas, The Great Lakes support 33 million people as well as a diversity of the plant and animal populations; and

Whereas, The Great Lakes contain roughly 20% of the world's freshwater and 95% of the freshwater of the United States; and

Whereas, The Great Lakes are predominantly non-renewable resources with approximately only 1% of their water renewed annually by precipitation, surface water runoff and inflow from groundwater sources; and

Whereas, The Great Lakes Basin is an integrated and fragile ecosystem with its surface and groundwater resources a part of a single hydrologic system, which should be dealt with as a whole in ways that take into account water quantity, water quality and ecosystem integrity; and

Whereas, Sound science must be the basis for water resource management policies and strategies; and

Whereas, Scientific information supports the conclusion that a relatively small volume of water permanently removed from sensitive habits may have grave ecological consequences; and

Whereas, Single and cumulative bulk removals of water from drainable basins such as interbasin transfers, reduce the resiliency of a system and its capacity to cope with future, unpredictable stresses, including potential introduction of non-native species and diseases to receiving waters; and

Whereas, There is uncertainty about the availability of Great Lakes water in the future in light of previous variations in climatic conditions, climate change, demands on water—cautions should be used in managing water to protect the resource for the future; and

Whereas, A report from The International Joint Commission, released March 15, 2000, recommends that Canadian and U.S. federal, provincial and state governments should not permit the removal of water from the Great Lakes Basin unless the proponent can demonstrate that the removal will not endanger the integrity of the Great Lakes Ecosystem; and

Whereas, Canada has already introduced legislation to amend the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes: Now, therefore, be it

Resolved, That this Legislative Body pause in its deliberations to urge the New York State Congressional Delegation to effectuate an amendment to the Boundary Waters Treaty Act to prohibit bulk water withdrawals from the Great Lakes to preserve the integrity and environmental stability of the Great lakes; and be it further

Resolved, That copies of this Resolution, suitably engrossed, be transmitted to each member of the United States Congressional Delegation of the State of New York; to the Vice President of the United States in his capacity as President of the United States Senate; to the Speaker of the United States House of Representatives; to the Clerk of the United States House of Representatives; to the Secretary of the United States Senate; and to the Administrator of the United States Environmental Protection Agency.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HELMS, from the Committee on Foreign Relations, without amendment:

S. 2844: An original bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance to increase the availability of credit to microenterprises lacking full access to credit, to establish a Microfinance Loan Facility, and for other purposes (Rept. No. 106–335).

S. 2845: An original bill to authorize additional assistance to countries with large populations having HIV/AIDS, to authorize assistance for tuberculosis prevention, treatment, control, and elimination, and for other purposes (Rept. No. 106–336).

By Mr. THOMPSON, from the Committee on Governmental Affairs, without amendment:

S. 2712: A bill to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies, and for other purposes (Rept. No. 106–337).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. HELMS:

S. 2844. An original bill to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance to increase the availability of credit to microenterprises lacking

full access to credit, to establish a Microfinance Loan Facility, and for other purposes; placed on the calendar.

By Mr. HELMS:

S. 2845. An original bill to authorize additional assistance to countries with large populations having HIV/AIDS, to authorize assistance for tuberculosis prevention, treatment, control, and elimination, and for other purposes; placed on the calendar.

By Mr. ROCKEFELLER:

S. 2846. A bill to extend the suspension of duty for certain chemicals; to the Committee on Finance.

By Mr. ABRAHAM:

S. 2847. A bill to modify the River and Harbor Act of 1886 to authorize Corps of Engineer authority over an extended portion of the Clinton River; to the Committee on Environment and Public Works.

By Mr. BINGAMAN:

S. 2848. A bill to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico; to the Committee on Energy and Natural Resources.

By Mr. HARKIN:

S. 2849. A bill to create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MOYNIHAN:

S.J. Res. 49. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

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SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated, on June 30, 2000:

By Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. KYL, Mr. GREGG, Mr. LEAHY, and Mrs. HUTCHISON):

S. Res. 333. A resolution expressing the sense of the Senate that there should be parity among the countries that are parties to the North American Free Trade Agreement with respect to the personal exemption allowance for merchandise purchased abroad by returning residents, and for other purposes; to the Committee on Finance.

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STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN:

S. 2848. A bill to provide for a land exchange to benefit the Pecos National Historical Park in New Mexico; to the Committee on Energy and Natural Resources.

PECOS NATIONAL HISTORICAL PARK LAND EXCHANGE ACT OF 2000

Mr. BINGAMAN. Mr. President, today, I am introducing the ''Pecos National Historical Park Land Exchange Act of 2000. This bill will facilitate a land exchange between the Federal government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the park's boundaries in exchange for the transfer of a nearby tract of national forest system land. The national forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

Pecos National Historical Park posses exceptional historic and archaeological resources. Its strategic location between the Great Plains and the Rio Grande Valley has made it the focus of the region's 10,000 years of human history. The park preserves the ruins of the great Pecos pueblo, a major trade center and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta Unit of the park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the west. This unit will directly benefit from the land exchange.

I ask unanimous consent that the full text of the bill I have introduced today be printed in the RECORD.

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

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

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Pecos National Historical Park Land Exchange Act of 2000.''

SEC. 2. DEFINITIONS.

As used in this Act—

(1) the term ''Secretaries'' means the Secretary of the Interior and the Secretary of Agriculture; and

(2) the term ''landowner'' means Harold and Elizabeth Zuschlag, owners of land within the Pecos National Historical Park.

(3) the term ''map'' means a map entitled ''Pecos National Historical Park Land Exchange'' and dated June 27, 2000.

SEC. 3. LAND EXCHANGE.

(a) Upon the conveyance by the landowner to the Secretary of the Interior of the lands identified in subsection (b), the Secretary of Agriculture shall convey the following lands and interests to the landowner, subject to the provisions of this Act:

(1) approximately 160 acres of Federal lands and interests therein within the Santa Fe National Forest in the State of New Mexico, as generally depicted on the map; and

(2) an easement for water pipelines to two existing well sites, located within the Pecos National Historical Park, as provided in this paragraph.

(A) The Secretary of the Interior shall determine the appropriate route of the easement through Pecos National Historical Park and such route shall be a condition of the easement. The Secretary of the Interior may add such additional terms and conditions to the easement as he deems appropriate.

(B) The easement shall be established, operated, and maintained in compliance with all Federal laws.

(b) The lands to be conveyed by the landowner to the Secretary of the Interior comprise approximately 154 acres within the Pecos National Historical Park as generally depicted on the map.

(c) The Secretary of Agriculture shall convey the lands and interests identified in subsection (a) only if the landowner conveys a deed of title to the United States, that is acceptable to and approved by the Secretary of the Interior.

(d) TERMS AND CONDITIONS.—

(1) IN GENERAL.—Except as otherwise provided in this Act, the exchange of lands and interests pursuant to this Act shall be in accordance with the provisions of section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716) and other applicable laws.

(2) VALUATION AND APPRAISALS.—The values of the lands and interests to be exchanged pursuant to this Act shall be equal, as determined by appraisals using nationally recognized appraisal standards including the Uniform Appraisal Standards for Federal Land Acquisition. The landowner shall pay the cost of the appraisals.

(3) COMPLETION OF THE EXCHANGE.—The exchange of lands and interests pursuant to this Act shall be completed not later than 90 days after the Secretary of the Interior approves the appraisals.

(4) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require such additional terms and conditions in connection with the exchange of lands and interests pursuant to this Act as the Secretaries consider appropriate to protect the interests of the United States.

SEC. 4. BOUNDARY ADJUSTMENT AND MAPS.

(a) Upon acceptance of title by the Secretary of the Interior of the lands and interests conveyed to the United States pursuant to section 4 of this Act, the boundaries of the Pecos National Historical Park shall be adjusted to encompass such lands. The Secretary of the Interior shall administer such lands in accordance with the provisions of law generally applicable to units of the National Park System, including the Act entitled ''An Act to establish a National Park Service, and for other purposes'', approved August 25, 1916 (16 U.S.C. 1, 2–4).

(b) The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(c) Not later than 180 days after completion of the exchange described in section 3, the Secretaries shall transmit the map accurately depicting the lands and interests conveyed to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives.

By Mr. HARKIN:

S. 2849. A bill to create an independent office in the Department of Labor to advocate on behalf of pension participants, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

PENSION PARTICIPANTS ADVOCACY OFFICE LEGISLATION

Mr. HARKIN. Mr. President, I am pleased to introduce the ''Pension Participant Advocacy Act.'' A similar measure is being introduced by Congressman ROB ANDREWS in the House.

It is no secret that the elderly population in America is growing at an unprecedented rate. In 1996, about one in every eight Americans was age 65 or older—that amounts to 33.9 million Americans. That number is expected to double by 2030.

Generally, people work for three main benefits, their salary or wages, their health care and their pensions. Of the three, most people tend to focus least on their pensions, at least till they near retirement. But, pensions are not only very important, they are highly variable in their generosity.

Ideally, retirement is a three-legged stool. One leg is Social Security. It is

run by the federal government. Almost all employees and their employers are required to pay into Social Security. Appropriately, there is a great deal of legislative concern about Social Security, the only funds available to many retirees. Another leg is regular personal savings generally outside of Congress' purview. And, the third is pensions. Millions receive pension benefits and unfortunately millions of others do not.

In the United States, there is no mandatory requirement that an employer provide a pension plan. But, the federal and state governments offer very significant tax benefits to both companies and individuals to entice them to save in a dedicated way for retirement.

Ensuring a secure retirement for all Americans is more than just a goal. It's a fiscal necessity. We know from experience that a strong pension system drastically eases the demands on our social safety net. So, year after year, our government invests a large chunk of taxpayer money, revenues not collected, to promote pensions.

But while the Federal government has invested huge sums by forgiving and deferring taxes to entice investments in pensions, there has been limited review of how well the system is treating average workers and retirees. But, unfortunately, there are not comparably large and sophisticated groups who speak for average workers.

Another problem is the very structure of the federal pension bureaucracy. Nobody has the assigned job of generally looking out for the pension participant. Yes, the Pension Benefits Guaranty Corporation does provide benefits to participants when their plans go bankrupt. The Treasury and the IRS have the responsibility to make sure that the pension laws in the Tax Code are fairly followed. But that is not their focus. The Department of Labor has considerable pension responsibility. But, their first focus is on the proper management of pension plans' funds. And, the needs of the participants are sometimes in conflict with the financial health of pension plans. In recent years, the Congress has funded programs where pension participants, employees or retirees, can ask some basic questions. But, there is a lack of any systematic effort to uncover unfortunate or abusive practices. Let's look at two pension problems I have recently tried to resolve.

Mr. President, as I wrote to the Department of Labor and Treasury this past January, lump sum payments continue to deplete Americans' pension payments by up to 50% with very little disclosure. Employers give new retirees a sheet of paper with two numbers on it—a small, monthly amount and a large, lump sum payment. Imagine getting that piece of paper. Which one would you take? Despite our disclosure law, many employers will not tell you that the larger number actually equals half the value of the smaller number over time.

This has been going on for years, and who has spoken up for the participants? The Departments of Labor and Treasury took four months to respond to my letter. If that is the kind of response a Senate office gets, where can pension participants turn when their livelihood depends upon getting answers? Let me tell you the story of Paul Schroeder, a 44-year old engineer who has worked for Ispat Inland, Inc, an East Chicago steel company, for 19 years. When the company converted to a cash balance plan, Paul calculated that his benefits would level off for as long as 13 years. The company would be putting no money into his pension for over a decade.

Meanwhile, new workers at the company would get added pension benefits with each pay check. This is called the ''wear away'' system. It is the period in which the cash balance benefit catches up to the value of the old plan benefit. Apparently, this practice is legal because of one sentence that was quietly inserted into an unrelated Treasury regulation just before it was approved in 1991. The EEOC is just now undergoing a detailed study to see if these plans violate age discrimination laws. After almost a decade of older employees having their pension assets frozen indefinitely, I ask you: who advocated on their behalf?

I only learned about this issue from a group of IBM employees who spent months clamoring to get our attention here in Congress. Those employees told their story to anyone who would listen. But when pension proposals don't affect the well-connected, who speaks for the participants?

I have introduced legislation that has received 47 votes in the Senate to provide for payments and I will try to pass it again. But, we should not need to pass a new law. The existing laws against age discrimination should have clicked in. For years, nobody was looking.

The bottom line is that no government agency is really looking out for the interests of pensioners. There are a few private organizations that are desperately trying to protect pension rights. But they're underfunded, scattered around the country, and easily overpowered by the better funded, better organized groups.

That is why I am proposing legislation to create an office whose specific function is to advocate for the rights of pensioner participants, both when they are employees and when they are retired. Our nation's seniors depend on their pensions to keep them afloat in retirement, and Social Security was never meant to do it alone. As the elderly population grows, it is in our nation's economic interest to ensure that pension legislation focuses on the best interests of participants.

Mr. President, The Office of Pension Participant Advocacy created in this bill would:

Actively seek out information and suggestions on pension policies and on Federal agencies which affect pension participants.

Evaluate the efforts of Federal agencies, businesses and industry to assist pension participants.

Identify significant problems faced by employees and retirees,

Make annual recommendations documenting significant pension problems and recommending legislative and regulatory solutions.

And examine existing pension plans and determine the extent to which current law serves pensioners in those plans.

Mr. President, we have a strong economy. But we also have an obligation to save a place at the table for those who made it strong. Our nation's pensioners deserve a say in the policies that determine their livelihood. They deserve the right to have their interests represented.

In the last 25 years, the Employee Retirement Income Security Act, commonly known as ERISA has been extremely successful, but it has created a complex web of pension law that gives authority to multiple agencies with no central place people can turn to for help. Time and time again, the needs of pension participants are ignored, and the pensioners who don't have the time or the resources to navigate the web of pension authority are weeded out.

We need one central place where pension participants can turn to when problems arise. We need one place in government whose sole obligation is to look out for the general pension interests of employees and retirees concerning their pensions. We need an office that will be an advocate for pension participants. For that reason, I urge my colleagues to join me in supporting this critical legislation.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

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

S. 2849

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

SECTION 1. OFFICE OF PENSION PARTICIPANT ADVOCACY.

(a) IN GENERAL.—Title III of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 3001 et seq.) is amended by adding at the end the following:

"Subtitle D—Office of Pension Participant Advocacy

"SEC. 3051. OFFICE OF PENSION PARTICIPANT ADVOCACY.

''(a) ESTABLISHMENT.—

''(1) IN GENERAL.—There is established in the Department of Labor an office to be known as the 'Office of Pension Participant Advocacy'.

''(2) PENSION PARTICIPANT ADVOCATE.—The Office of Pension Participant Advocacy shall be under the supervision and direction of an official to be known as the 'Pension Participant Advocate' who shall—

''(A) have demonstrated experience in the area of pension participant assistance, and

''(B) be selected by the Secretary after consultation with pension participant advocacy organizations.

The Pension Participant Advocate shall report directly to the Secretary and shall be entitled to compensation at the same rate as the highest rate of basic pay established for the Senior Executive Service under section 5382 of title 5, United States Code.

''(b) FUNCTIONS OF OFFICE.—It shall be the function of the Office of Pension Participant Advocacy to—

''(1) evaluate the efforts of the Federal Government, business, and financial, professional, retiree, labor, women's, and other appropriate organizations in assisting and protecting pension plan participants, including—

''(A) serving as a focal point for, and actively seeking out, the receipt of information with respect to the policies and activities of the Federal Government, business, and such organizations which affect such participants,

''(B) identifying significant problems for pension plan participants and the capabilities of the Federal Government, business, and such organizations to address such problems, and

''(C) developing proposals for changes in such policies and activities to correct such problems, and communicating such changes to the appropriate officials,

''(2) promote the expansion of pension plan coverage and the receipt of promised benefits by increasing the awareness of the general public of the value of pension plans and by protecting the rights of pension plan participants, including—

''(A) enlisting the cooperation of the public and private sectors in disseminating information, and

''(B) forming private-public partnerships and other efforts to assist pension plan participants in receiving their benefits,

''(3) advocate for the full attainment of the rights of pension plan participants, including by making pension plan sponsors and fiduciaries aware of their responsibilities,

''(4) give priority to the special needs of low and moderate income participants, and

''(5) develop needed information with respect to pension plans, including information on the types of existing pension plans, levels of employer and employee contributions, vesting status, accumulated benefits, benefits received, and forms of benefits.

''(c) REPORTS.—

''(1) ANNUAL REPORT.—Not later than December 31 of each calendar year, the Pension Participant Advocate shall report to the Committees on Education and the Workforce and Ways and Means of the House of Representatives and the Committees on Health, Education, Labor, and Pensions and Finance of the Senate on its activities during the fiscal year ending in the calendar year. Such report shall—

''(A) identify significant problems the Advocate has identified,

''(B) include specific legislative and regulatory changes to address the problems, and

''(C) identify any actions taken to correct problems identified in any previous report.

The Advocate shall submit a copy of such report to the Secretary and any other appropriate official at the same time it is submitted to the committees of Congress.

''(2) SPECIFIC REPORTS.—The Pension Participant Advocate shall report to the Secretary or any other appropriate official any time the Advocate identifies a problem which may be corrected by the Secretary or such official.

''(3) REPORTS TO BE SUBMITTED DIRECTLY.—The report required under paragraph (1) shall be provided directly to the committees of Congress without any prior review or comment than the Secretary or any other Federal officer or employee.

''(d) SPECIFIC POWERS.—

''(1) RECEIPT OF INFORMATION.—Subject to such confidentiality requirements as may be appropriate, the Secretary and other Federal officials shall, upon request, provide such information (including plan documents) as may be necessary to enable the Pension Participant Advocate to carry out the Advocate's responsibilities under this section.

''(2) APPEARANCES.—The Pension Participant Advocate may represent the views and interests of pension plan participants before any Federal agency, including, upon request of a participant, in any proceeding involving the participant.

''(3) CONTRACTING AUTHORITY.—In carrying out responsibilities under subsection (b)(5), the Pension Participant Advocate may, in addition to any other authority provided by law—

''(A) contract with any person to acquire statistical information with respect to pension plan participants, and

''(B) conduct direct surveys of pension plan participants.''

(b) CONFORMING AMENDMENT.—The table of contents for title III of such Act is amended by adding at the end the following:

''Subtitle C—Office of Pension Participant Advocacy

''3051. Office of Pension Participant Advocacy.''

(c) EFFECTIVE DATE.—The amendment made by this section shall take effect on January 1, 2001.

By Mr. MOYNIHAN:

S.J. Res. 49. A joint resolution recognizing Commodore John Barry as the first flag officer of the United States Navy; to the Committee on Armed Services.

JOHN BARRY, FIRST FLAG OFFICER OF THE UNITED STATES NAVY

Mr. MOYNIHAN. Mr. President, today I rise to introduce a joint resolution, recognizing Commodore John Barry as the first flag officer of the United States Navy. Commodore Barry had been described as the ''Father of the American Navy'' by his contemporaries for his unfailing service to the United States Navy. The Commodore, born in Tacumshin Parish in County Wexford, Ireland and son to a poor Irish farmer, began his maritime career at an early age. He rose through the ranks and, at the outset of the American Revolution, was made responsible for outfitting the first Continental Navy ships. On March 14, 1776, the Marine Committee awarded Barry with a Captain's commission to the Continental Navy and his first warship, the brig *Lexington*. In his first conflict at sea with this ship, the Commodore brought the fledgling Navy its first victory at sea and captured the *Edward*, a British tender. Barry reported to the Congress, ''This victory had a tremendous psychological effect in boosting American morale, as it was the first capture of a British warship by a regularly commissioned American cruiser.''

While awaiting the completion of his second warship, the *Effingham*, Barry enlisted as a soldier in the Continental Army and served under General John Cadwalader, fighting in the Battles of Trenton and of Princeton. But it was not until his return to the Navy that the Commodore fought his most famed battle. Aboard the 36-gun frigate *Alliance*, Barry put up a brilliant defense against two British sloops, the *Atlanta* and the *Tresspassy*. In his crusade, he was badly wounded in his shoulder and lost a large volume of blood. His second-in-command reported that the ship was in a desperate condition and recommended that the ship surrender. But the Commodore refused. He said, ''If this ship cannot be fought without me, I will be brought on deck!'' Broken and bandaged, Commodore Barry continued forward with the battle. After almost four hours, the *Atlanta* and the *Tresspassy* surrendered.

The Commodore's final battle in the American Revolution was also the final sea battle of the Continental Navy. Aboard the *Alliance*, Barry escorted the *Duc De Sauzon*, a ship carrying Spanish silver, and warded off the Royal Navy's *Sybil*, protecting the vital cargo destined for the Continental Congress. Even after his retirement from battle, Barry's contributions to the Navy continued. In 1797, President Washington invited Barry to receive Commission Number One in the Navy. His new position placed him in charge of the new Navy and oversight of the construction and outfitting of its first frigates. The U.S.S. *United States* and the U.S.S. *Constitution* were both built under his command.

Commodore John Barry served as Commodore under Presidents Washington, Adams and Jefferson until he died in 1803.

Before he died, the Commodore wrote a Signal Book for the Navy, which provided a practical means of communication between ships. He also suggested creating the Department of the Navy, a separate Cabinet position from the Secretary of War. This vision was realized in 1798 with the creation of the United States Department of the Navy. Most importantly, Barry was responsible for training many Naval heros of the War of 1812.

It is with great honor and pride that I introduce this joint resolution, recognizing Commodore John Barry, a fellow Irishman and Naval Officer, as the first flag officer of the United States Navy.

Mr. President, I ask unanimous consent that the text of the resolution be printed in the RECORD.

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

S.J. RES. 49

Whereas John Barry, American merchant marine captain and native of County Wexford, Ireland, volunteered his services to the Continental Navy and was assigned by the Continental Congress as Captain of the Lexington, taking command of that vessel on March 14, 1776, and soon afterward gave to American liberty its first victory at sea with the capture of the Royal Navy sloop Edward;

Whereas Captain John Barry was principally responsible for organizing the crossing of the Delaware River which led directly to General George Washington's victory at Trenton during Christmas 1776, a victory in which Captain Barry also served actively as a combatant;

Whereas Captain John Barry rejected British General Lord Howe's flattering offer to desert Washington and the patriot cause, stating: ''Not the value and command of the whole British fleet can lure me from the cause of my country.'';

Whereas Captain John Barry, while in command of the frigate Alliance, successfully transported French gold to America to finance the War for America Independence, and also won the last sea battle of that war by defeating the HMS Sybille on March 10, 1783;

Whereas when the First Congress, acting under the new Constitution, authorized the raising and construction of the United States Navy, it was to Captain John Barry that President George Washington turned to build and lead the new nation's infant Navy;

Whereas on February 22, 1797, President Washington personally conferred upon Captain John Barry, by and with the advice and consent of the Senate, the rank of Captain, with ''Commission No. 1'', United States Navy, dated June 4, 1794;

Whereas it was as Commodore of the Navy that John Barry built and first commanded the United States Navy and the squadron which included his flagship the USS United States and USS Constitution (''Old Ironsides'');

Whereas John Barry served at the head of the United States Navy (the equivalent of the current position of Chief of Naval Operations), with the title of ''Commodore'' (in official correspondence) under Presidents Washington, Adams, and Jefferson;

Whereas Commodore John Barry is recognized, with General Stephen Moylan, in the Statue of Liberty museum as one of the six foreign-born great leaders of the War for Independence;

Whereas pursuant to resolutions of Congress, ''Commodore John Barry Day'' was proclaimed for September 13, 1982, by President Reagan and for September 13, 1991, and September 13, 1992, by President Bush; and

Whereas in recognition of the historic role and achievements of Commodore John Barry, and of the sentiments of Navy and Merchant Marine veterans, of Irish-Americans, and of the patriotic population generally that United States history be properly told and heroes of the United States be properly honored: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Commodore John Barry is recognized (effective as of February 22, 1797), and is hereby honored as the first flag officer of the United States Navy.

—

ADDITIONAL COSPONSORS

S. 1262

At the request of Mr. REED, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1262, a bill to amend the Elementary and Secondary Education Act of 1965 to provide up-to-date school library medial resources and well-trained, professionally certified school library media specialists for elementary schools and secondary schools, and for other purposes.

S. 1941

At the request of Mr. DODD, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 1941, a bill to amend the Federal Fire Prevention and Control Act of 1974 to authorize the Director of the Federal Emergency Management Agency to provide assistance to fire departments and fire prevention organizations for the purpose of protecting the public and firefighting personnel against fire and fire-related hazards.

S. 1987

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1987, a bill to amend the Violence Against Women Act of 1994, the Family Violence Prevention and Services Act, the Older Americans Act of 1965, and the Public Health Service Act to ensure that older women are protected from institutional, community, and domestic violence and sexual assault and to improve outreach efforts and other services available to older women victimized by such violence, and for other purposes.

S. 2274

At the request of Mr. GRASSLEY, the names of the Senator from Tennessee (Mr. THOMPSON) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 2274, a bill to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children.

S. 2344

At the request of Mr. BROWNBACK, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2344, a bill to amend the Internal Revenue Code of 1986 to treat payments under the Conservation Reserve Program as rentals from real estate.

S. 2365

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2365, a bill to amend title XVIII of the Social Security Act to eliminate the 15 percent reduction in payment rates under the prospective payment system for home health services.

S. 2386

At the request of Mrs. FEINSTEIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 2386, a bill to extend the Stamp Out Breast Cancer Act.

S. 2394

At the request of Mr. MOYNIHAN, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2394, a bill to amend title XVIII of the Social Security Act to stabilize indirect graduate medical education payments.

S. 2399

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 2399, a bill to amend title XVIII of the Social Security Act to revise the coverage of immunosuppressive drugs under the medicare program.

S. 2406

At the request of Mr. ABRAHAM, the name of the Senator from North Carolina (Mr. HELMS) was added as a cosponsor of S. 2406, a bill to amend the Immigration and Nationality Act to provide permanent authority for entry into the United States of certain religious workers.

S. 2423

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 2423, a bill to provide Federal Perkins Loan cancellation for public defenders.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2584

At the request of Mr. ROBB, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 2584, a bill to provide for the allocation of interest accruing to the Abandoned Mine Reclamation Fund, and for other purposes.

S. 2589

At the request of Mr. JOHNSON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 2589, a bill to amend the Federal Deposit Insurance Act to require periodic cost of living adjustments to the maximum amount of deposit insurance available under that Act, and for other purposes.

S. 2641

At the request of Mr. CLELAND, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 2641, a bill to authorize the President to present a gold medal on behalf of Congress to former President Jimmy Carter and his wife Rosalynn Carter in recognition of their service to the Nation.

S. 2700

At the request of Mr. L. CHAFEE, the names of the Senator from Pennsylvania (Mr. SANTORUM) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2707

At the request of Mr. CRAPO, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 2707, a bill to help ensure general aviation aircraft access to Federal land and the airspace over that land.

S. 2718

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2718, a bill to amend the Internal Revenue Code of

1986 to provide incentives to introduce new technologies to reduce energy consumption in buildings.

S. 2733

At the request of Mr. SANTORUM, the name of the Senator from Louisiana (Mr. BREAUX) was added as a cosponsor of S. 2733, a bill to provide for the preservation of assisted housing for low income elderly persons, disabled persons, and other families.

S. 2739

At the request of Mr. LAUTENBERG, the names of the Senator from Missouri (Mr. ASHCROFT), the Senator from Colorado (Mr. ALLARD), the Senator from South Dakota (Mr. DASCHLE), and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 2739, a bill to amend title 39, United States Code, to provide for the issuance of a semipostal stamp in order to afford the public a convenient way to contribute to funding for the establishment of the World War II Memorial.

S. 2787

At the request of Mr. BIDEN, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 2787, a bill to reauthorize the Federal programs to prevent violence against women, and for other purposes.

S. 2793

At the request of Mr. HOLLINGS, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 2793, a bill to amend the Communications Act of 1934 to strengthen the limitation on holding and transfer of broadcast licenses to foreign persons, and to apply a similar limitation to holding and transfer of other telecommunications media by or to foreign governments.

S. 2800

At the request of Mr. LAUTENBERG, the names of the Senator from Florida (Mr. GRAHAM) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 2800, a bill to require the Administrator of the Environmental Protection Agency to establish an integrated environmental reporting system.

S. CON. RES. 102

At the request of Mrs. FEINSTEIN, the names of the Senator from New York (Mr. MOYNIHAN) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. Con. Res. 102, a concurrent resolution to commend the bravery and honor of the citizens of Remy, France, for their actions with respect to Lieutenant Houston Braly and to recognize the efforts of the 364th Fighter Group to raise funds to restore the stained glass windows of a church in Remy.

S. CON. RES. 105

At the request of Mr. ABRAHAM, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 105, a concurrent resolution designating April 13, 2000, as a day of remembrance of the victims of the Katyn Forest massacre.

S. CON. RES. 123

At the request of Mr. LAUTENBERG, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Con. Res. 123, a concurrent resolution expressing the sense of the Congress regarding manipulation of the mass and intimidation of the independent press in the Russian Federation, expressing support for freedom of speech and the independent media in the Russian Federation, and calling on the President of the United States to express his strong concern for freedom of speech and the independent media in the Russian Federation.

S. RES. 294

At the request of Mr. ABRAHAM, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. Res. 294, a resolution designating the month of October 2000 as ''Children's Internet Safety Month.''

AMENDMENT NO. 3185

At the request of Mr. KENNEDY, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. BAUCUS, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mr. BINGAMAN, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mr. KERRY, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mr. DASCHLE, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mr. REID, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mr. ROBB, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mrs. BOXER, her name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mrs. MURRAY, her name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mr. THOMPSON, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

At the request of Mr. CLELAND, his name was added as a cosponsor of amendment No. 3185 proposed to S. 2549, supra.

AMENDMENT NO. 3759

At the request of Mr. FEINGOLD, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of amendment No. 3759 intended to be proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

AMENDMENT NO. 3760

At the request of Mr. WARNER, his name was added as a cosponsor of amendment No. 3760 proposed to S. 2549, an original bill to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

At the request of Mr. CONRAD, his name was added as a cosponsor of amendment No. 3760 proposed to S. 2549, supra.

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SENATE RESOLUTION 333—EXPRESSING THE SENSE OF THE SENATE THAT THERE SHOULD BE PARITY AMONG THE COUNTRIES THAT ARE PARTIES TO THE NORTH AMERICAN FREE TRADE AGREEMENT WITH RESPECT TO THE PERSONAL EXEMPTION ALLOWANCE FOR MERCHANDISE PURCHASED ABROAD BY RETURNING RESIDENTS, AND FOR OTHER PURPOSES

Ms. COLLINS (for herself, Mr. MOYNIHAN, Mr. KYL, Mr. GREGG, Mr. LEAHY, and Mrs. HUTCHISON), on June 30, 2000, submitted the following resolution; which was referred to the Committee on Finance:

S. RES. 333

Whereas the personal exemption allowance is a vital component of trade and tourism;

Whereas many border communities and retailers depend on customers from both sides of the border;

Whereas a United States citizen traveling to Canada or Mexico for less than 24 hours is exempt from paying duties on the equivalent of $200 worth of merchandise on return to the United States, and for trips over 48 hours United States citizens have an exemption of up to $400 worth of merchandise;

Whereas a Canadian traveling in the United States is allowed a duty-free personal exemption allowance of only $50 worth of merchandise for a 24-hour visit, the equivalent of $200 worth of merchandise for a 48-hour visit, and the equivalent of $750 worth of merchandise for a visit of over 7 days;

Whereas Mexico has a 2-tiered personal exemption allowance for its returning residents, set at the equivalent of $50 worth of merchandise for residents returning by car and the equivalent of $300 worth of merchandise for residents returning by plane;

Whereas Canadian and Mexican retail businesses have an unfair competitive advantage over many American businesses because of

the disparity between the personal exemption allowances among the 3 countries;

Whereas the State of Maine legislature passed a resolution urging action on this matter;

Whereas the disparity in personal exemption allowances creates a trade barrier by making it difficult for Canadians and Mexicans to shop in American-owned stores without facing high additional costs;

Whereas the United States entered into the North American Free Trade Agreement with Canada and Mexico with the intent of phasing out tariff barriers among the 3 countries; and

Whereas it violates the spirit of the North American Free Trade Agreement for Canada and Mexico to maintain restrictive personal exemption allowance policies that are not reciprocal: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Trade Representative and the Secretary of the Treasury, in consultation with the Secretary of Commerce, should initiate discussions with officials of the Governments of Canada and Mexico to achieve parity by harmonizing the personal exemption allowance structure of the 3 NAFTA countries at or above United States exemption levels; and

(2) in the event that parity with respect to the personal exemption allowance of the 3 countries is not reached within 1 year after the date of the adoption of this resolution, the United States Trade Representative and the Secretary of the Treasury should submit recommendations to Congress on whether legislative changes are necessary to lower the United States personal exemption allowance to conform to the allowance levels established in the other countries that are parties to the North American Free Trade Agreement.

AMENDMENTS SUBMITTED

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

DASCHLE AMENDMENT NO. 3778

(Ordered to lie on the table.)

Mr. DASCHLE (for himself and Mr. JOHNSON) submitted an amendment intended to be proposed by them to the bill (H.R. 4578) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001, and for other purposes; as follows:

On page 138, line 1, insert ''; and of which not to exceed $108,000 shall be for payment to the United Sioux Tribes of South Dakota Development Corporation for the purpose of providing employment assistance to Indian clients of the Corporation, including employment counseling, follow-up services, housing services, community services, day care services, and subsistence to help Indian clients become fully employed members of society'' before the colon.

EDWARDS AMENDMENTS NOS. 3779–3880

(Ordered to lie on the table.)

Mr. EDWARDS submitted two amendments intended to be proposed by him to the bill, H.R. 4578, supra; as follows:

AMENDMENT NO. 3779

On page 164, line 19, strike '$1,233,824,000' and insert '$1,229,824,000'.

On page 168, line 11, strike '$76,320,000' and insert '$80,320,000'.

AMENDMENT NO. 3780

On page 130, line 4 strike ''$847,596,000'' and insert ''$849,396,000''.

On page 130, line 17, before the colon insert: '', and of which $1,800,000 shall remain available until expended, to repair or replace stream monitoring equipment and associated facilities damaged by natural disasters: *Provided*, That the entire amount shall be available only to the extent that the President submits to Congress an official budget request for a specific dollar amount that includes designation of the entire amount of the request as an emergency requirement for the purposes of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 et seq.): *Provided further*, That the entire amount is designated by Congress as an emergency requirement under section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)).

GRAMS AMENDMENT NO. 3781

(Ordered to lie on the table.)

Mr. GRAMS submitted an amendment intended to be proposed by him to the bill, H.R. 4578, supra; as follows:

On page 126, line 16, strike ''$207,079,000,'' and insert ''$202,950,000, of which not more than $511,000 shall be used for the construction of a heritage center for the Grand Portage National Monument in Minnesota,''.

On page 165, line 25, strike ''$618,500,000,'' and inserting ''$622,629,000, of which at least $6,947,000 shall be used for hazardous fuels reduction activities in the Superior and Chippewa National Forests in Minnesota and the Chequamegon National Forest in Wisconsin,''.

DOMENICI (AND OTHERS) AMENDMENT NO. 3782

(Ordered to lie on the table.)

Mr. DOMENICI (for himself, Mr. KYL, and Mrs. FEINSTEIN) submitted an amendment intended to be proposed by them to the bill, H.R. 4578, supra; as follows:

At an appropriate place in the bill, insert the following new title:

TITLE —HAZARDOUS FUELS REDUCTION

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'' to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of the Interior, $120.3 million to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

WILDLAND FIRE MANAGEMENT

For an additional amount for ''Wildland Fire Management'' to remove hazardous material to alleviate immediate emergency threats to urban wildland interface areas as defined by the Secretary of Agriculture, $120 million to remain available until expended: *Provided*, That the entire amount is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended: *Provided further*, That the entire amount shall be available only to the extent an official budget request, that includes designation of the entire amount of the request as an emergency requirement as defined by such Act, is transmitted by the President to the Congress: *Provided further*, That:

(a) In expending the funds provided in any Act with respect to any fiscal year for hazardous fuels reduction, the Secretary of the Interior and the Secretary of Agriculture may hereafter conduct fuel reduction treatments on Federal lands using all contracting and hiring authorities available to the Secretaries. Notwithstanding Federal government procurement and contracting laws, the Secretaries may hereafter conduct fuel reduction treatments on Federal lands using grants and cooperative agreements. Notwithstanding Federal government procurement and contracting laws, in order to provide employment and training opportunities to people in rural communities, the Secretaries may hereafter, at their sole discretion, limit competition for any contracts, with respect to any fiscal year, including contracts for monitoring activities, to:

(1) local private, non-profit, or cooperative entities;

(2) Youth Conservation Corps crews or related partnerships with state, local, and nonprofit youth groups;

(3) Small or micro-businesses; or

(4) other entities that will hire or train a significant percentage of local people to complete such contracts.

(b) Prior to September 30, 2000, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands that are at risk from wildfire. This list shall include:

(1) an identification of communities around which hazardous fuel reduction treatments are ongoing; and

(2) an identification of communities around which the Secretaries are preparing to begin treatments in calendar year 2000.

(c) Prior to May 1, 2001, the Secretary of Agriculture and the Secretary of the Interior shall jointly publish in the Federal Register a list of all urban wildland interface communities, as defined by the Secretaries, within the vicinity of Federal lands and at risk from wildfire that are included in the list published pursuant to subsection (b) but that are not included in paragraphs (b)(1) and (b)(2), along with an identification of reasons, not limited to lack of available funds, why there are no treatments ongoing or being prepared for these communities.

(d) Within 30 days after enactment of this Act, the Secretary of Agriculture shall publish in the Federal Register the Forest Service's Cohesive Strategy for Protecting People and Sustaining Resources in Fire-Adapted Ecosystems, and an explanation of any differences between the Cohesive Strategy and other related ongoing policymaking activities including: proposed regulations revising the National Forest System transportation policy; proposed roadless area protection regulations; the Interior Columbia

Basin Draft Supplemental Environmental Impact Statement; and the Sierra Nevada Framework/Sierra Nevada Forest Plan Draft Environmental Impact Statement. The Secretary shall also provide 30 days for public comment on the Cohesive Strategy and the accompanying explanation.

DOMENICI AMENDMENTS NOS. 3783–3785

(Ordered to lie on the table.)

Mr. DOMENICI submitted three amendments intended to be proposed by him to the bill, H.R. 4578, supra; as follows:

AMENDMENT NO. 3783

On page 163, after line 23, add the following:

SECTION 1. EXPENDITURE OF FUNDS FOR INTERIOR POLICIES REGARDING MIDDLE RIO GRANDE CONSERVANCY DISTRICT.

Effective for fiscal year 2000, and each subsequent fiscal year, notwithstanding any other provision of law, no funds made available by this Act or any other Act shall be used to require the Middle Rio Grande Conservancy District constructed irrigation works to provide bypass flows for the Rio Grande Silvery Minnow or the Southwestern Willow Flycatcher at San Acacia Diversion Dam to maintain flows to the headwaters of Elephant Butte Reservoir except as may be provided in an agreement entered into by all holders of water rights with points of diversion above the headwaters of Elephant Butte Reservoir and which agreement has been approved by the New Mexico State Engineer, or as may be required by a final non-appealable court order.

SEC. 2. EXPENDITURE OF FUNDS FOR INTERIOR POLICIES REGARDING THE FORT SUMNER IRRIGATION DISTRICT.

Effective for fiscal year 2000, and each subsequent fiscal year, notwithstanding any other provision of law, no funds made available by this Act or any other Act shall be used to require the Fort Sumner Irrigation District irrigation works to maintain flows for endangered species except as may be provided in an agreement entered into by all affected holders of water rights and which agreement has been approved by the New Mexico State Engineer, or as may be required by a final non-appealable court order.

AMENDMENT NO. 3784

On page 165, after line 18, add the following:

For an additional amount to cover necessary expenses for implementation of the Valles Caldera Preservation Act, $990,000, to remain available until expended, which shall be available to the Secretary for the management of the Valles Caldera National Preserve: *Provided*, That any remaining balances be provided to the Valles Caldera Trust upon its assumption of the management of the Preserve: *Provided further*, That the amount available to the Office of the Solicitor within the Department of the Interior shall not exceed $39,206,000.

AMENDMENT NO. 3785

On page 126, after line 22, add the following new paragraph:

For an additional amount for construction, improvements, repair or replacement of physical facilities, including final design, management, inspection, furnishing, and equipping of an expansion annex of the historic Palace of the Governors in Santa Fe, New Mexico, notwithstanding any other provision of law, $15,000,000, to remain available until expended, which is to be provided by the Secretary of the Interior to the New Mexico State Office of Cultural Affairs: *Provided*, That the entire amount provided in this paragraph shall be available only to the extent an official budget request for designation of the entire amount of the request as an emergency requirement as defined in the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, is transmitted by the President to the Congress; *Provided further*, That the entire amount provided in this paragraph is designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A) of such Act.

STEVENS AMENDMENTS NOS. 3786–3789

(Ordered to lie on the table.)

Mr. STEVENS submitted four amendments intended to be proposed by him to the bill, H.R. 4578, supra; as follows:

AMENDMENT NO. 3786

On page 170, line 3 insert before the period the following: ‘‘, *Provided*, That $750,000 shall be transferred to the State of Alaska Department of Fish and Game as a direct payment for administrative and policy coordination’’.

AMENDMENT NO. 3787

At the appropriate place, insert the following new section

‘‘SEC. . (a) All proceeds of Oil and Gas Lease sale 991, held by the Bureau of Land Management on May 5, 1999, or subsequent lease sales in the National Petroleum Reserve—Alaska within the area subject to withdrawal for Kuukpik Corporation’s selection under section 22(j)(2) of the Alaska Native Claims Settlement Act, Public Law 92–203 (85 Stat. 688), shall be held in an escrow account administered under the terms of section 1411 of the Alaska National Interest Lands Conservation Act, Public Law 96–487 (94 Stat. 2371), without regard to whether a withdrawal for selection has been made, and paid to Arctic Slope Regional Corporation and the State of Alaska in the amount of their entitlement under law when determined, together with interest at the rate provided in the aforementioned section 1411, for the date of receipt of the proceeds by the United States to the date of payment. There is authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(b) The section shall be effective as of May 5, 1999.’’

AMENDMENT NO. 3788

On page 168, line 18 insert before the period the following: ‘‘; *Provided further*, That of the amounts appropriated and available, the Secretary of Agriculture shall transfer as a direct payment to the City of Craig at least $5,000,000 but not to exceed $10,000,000 in lieu of any claims or municipal entitlement to land within the outside boundaries of the Tongass National Forest pursuant to section 6(A) of Public Law 85–508, the Alaska Statehood Act, as amended; Provided further, That should the directive in the preceding proviso conflict with any provision of existing law the preceding proviso shall prevail and take precedence’’.

AMENDMENT NO. 3789

At the appropriate place insert the following new section:

‘‘SEC. . Notwithstanding any other provision of law, the Secretary of the Interior shall convey to Harvey R. Redmond of Girdwood Alaska, at no cost, all right, title, and interest of the United States in and to United States Survey No. 12192, Alaska consisting of 49.96 acres located in the vicinity of T. 9N., R., 3E., Seward Meridian, Alaska.’’.

SESSIONS (AND OTHERS) AMENDMENT NO. 3790

(Ordered to lie on the table.)

Mr. SESSIONS (for himself, Mr. GRAHAM, Mr. ENZI, Mr. LUGAR, Mr. VOINOVICH, Mr. GRAMS, Mr. REID, and Mr. INHOFE) submitted an amendment intended to be proposed by them to the bill, H.R. 4578, supra; as follows:

On page 225, between lines 11 and 12, insert the following:

SEC. . None of the funds made available in this Act may be used to publish Class III gaming procedures under part 291 of title 25, Code of Federal Regulations

BINGAMAN AMENDMENT NO. 3791

(Ordered to lie on the table.)

Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill, H.R. 4578, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROTECTING COMMUNITIES FROM RISK OF WILDLAND FIRE.

In recognition of the recent fires that have occurred in New Mexico and other parts of the Interior West and in order to focus hazardous fuels reduction activities on the highest priority areas where critical issues of human safety and property loss are the most serious, the Forest Service shall expend fifty percent of the hazardous fuels operations funds provided in this Act only on projects within the urban/wildland interface or within municipal watersheds that are determined to be at high risk of catastrophic fire.

SESSIONS AMENDMENTS NOS. 3792–3793

(Ordered to lie on the table.)

Mr. SESSIONS submitted two amendments intended to be proposed by him to the bill, H.R. 4578, supra; as follows:

AMENDMENT NO. 3792

On page 125, line 11, strike ‘‘$1,443,795,000,’’ and insert ‘‘$1,445,795,000, of which not less then $2,000,000 shall be available to carry out exhibitions at and acquire interior furnishings for the Rosa Parks Library and Museum, Alabama, and’’.

On page 201, line 11, strike ‘‘$104,604,000’’ and insert ‘‘$102,640,000’’.

AMENDMENT NO. 3793

On page 122, line 9, before the period, insert the following: ‘‘, of which $3,000,000 shall be used for acquisition of land around the Bon Secour National Wildlife Refuge, Alabama, and of which not more than $4,500,000 shall be used for acquisition management’’.

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001

BYRD AMENDMENT NO. 3794

Mr. BYRD (for himself, Mr. WARNER, Mr. LEVIN, Mr. HOLLINGS, Mr. HELMS, Mr. BREAUX, Mr. HATCH, Mr. CAMPBELL, Mrs. LINCOLN, and Mr. WELLSTONE) proposed an amendment to amendment No. 3767 previously proposed by Mr. WARNER (for Mr. BYRD) to the bill (S.

2549) to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes; as follows:

Strike all after ''Sec.'' and insert the following:

1061. NATIONAL SECURITY IMPLICATIONS OF UNITED STATES-CHINA TRADE RELATIONSHIP.

(a) IN GENERAL.—

(1) NAME OF COMMISSION.—Section 127(c)(1) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended by striking ''Trade Deficit Review Commission'' and inserting ''United States-China Security Review Commission''.

(2) QUALIFICATIONS OF MEMBERS.—Section 127(c)(3)(B)(i)(I) of such Act (19 U.S.C. 2213 note) is amended by inserting ''national security matters and United States-China relations,'' after ''expertise in''.

(3) PERIOD OF APPOINTMENT.—Section 127(c)(3)(A) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(A) IN GENERAL.—

''(i) APPOINTMENT BEGINNING WITH 107th CONGRESS.—Beginning with the 107th Congress and each new Congress thereafter, members shall be appointed not later than 30 days after the date on which Congress convenes. Members may be reappointed for additional terms of service.

''(ii) TRANSITION.—Members serving on the Commission shall continue to serve until such time as new members are appointed.''.

(b) PURPOSE.—Section 127(k) of the Trade Deficit Review Commission Act (19 U.S.C. 2213 note) is amended to read as follows:

''(k) UNITED STATES-CHINA NATIONAL SECURITY IMPLICATIONS.—

''(1) IN GENERAL.—Upon submission of the report described in subsection (e), the Commission shall—

''(A) wind up the functions of the Trade Deficit Review Commission; and

''(B) monitor, investigate, and report to Congress on the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China.

''(2) ANNUAL REPORT.—Not later than March 1, 2002, and annually thereafter, the Commission shall submit a report to Congress, in both unclassified and classified form, regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China. The report shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions, of the national security implications for the United States of the trade and current balances with the People's Republic of China in goods and services, financial transactions, and technology transfers. The Commission shall also take into account patterns of trade and transfers through third countries to the extent practicable.

''(3) CONTENTS OF REPORT.—The report described in paragraph (2) shall include, at a minimum, a full discussion of the following:

''(A) The portion of trade in goods and services with the United States that the People's Republic of China dedicates to military systems or systems of a dual nature that could be used for military purposes.

''(B) The acquisition by the Government of the People's Republic of China and entities controlled by the Government of advanced military technologies through United States trade and technology transfers.

''(C) Any transfers, other than those identified under subparagraph (B), to the military systems of the People's Republic of China made by United States firms and United States-based multinational corporations.

''(D) An analysis of the statements and writing of the People's Republic of China officials and officially-sanctioned writings that bear on the intentions of the Government of the People's Republic of China regarding the pursuit of military competition with, and leverage over, the United States and the Asian allies of the United States.

''(E) The military actions taken by the Government of the People's Republic of China during the preceding year that bear on the national security of the United States and the regional stability of the Asian allies of the United States.

''(F) The effects to the national security interests of the United States of the use by the People's Republic of China of financial transactions, capital flow, and currency manipulations.

''(G) Any action taken by the Government of the People's Republic of China in the context of the World Trade Organization that is adverse to the United States national security interests.

''(H) Patterns of trade and investment between the People's Republic of China and its major trading partners, other than the United States, that appear to be substantively different from trade and investment patterns with the United States and whether the differences constitute a security problem for the United States.

''(I) The extent to which the trade surplus of the People's Republic of China with the United States enhances the military budget of the People's Republic of China.

''(J) An overall assessment of the state of the security challenges presented by the People's Republic of China to the United States and whether the security challenges are increasing or decreasing from previous years.

''(4) RECOMMENDATIONS OF REPORT.—The report described in paragraph (2) shall include recommendations for action by Congress or the President, or both, including specific recommendations for the United States to invoke Article XXI (relating to security exceptions) of the General Agreement on Tariffs and Trade 1994 with respect to the People's Republic of China, as a result of any adverse impact on the national security interests of the United States.''.

(c) CONFORMING AMENDMENTS.—

(1) HEARINGS.—Section 127(f)(1) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(1) HEARINGS.—

''(A) IN GENERAL.—The Commission or, at its direction, any panel or member of the Commission, may for the purpose of carrying out the provisions of this Act, hold hearings, sit and act at times and places, take testimony, receive evidence, and administer oaths to the extent that the Commission or any panel or member considers advisable.

''(B) INFORMATION.—The Commission may secure directly from the Department of Defense, the Central Intelligence Agency, and any other Federal department or agency information that the Commission considers necessary to enable the Commission to carry out its responsibilities under this Act, except the provision of intelligence information to the Commission shall be made with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources and methods or other exceptionally sensitive matters, under procedures approved by the Director of Central Intelligence.

''(C) SECURITY.—The Office of Senate Security shall—

''(i) provide classified storage and meeting and hearing spaces, when necessary, for the Commission; and

''(ii) assist members and staff of the Commission in obtaining security clearances.

''(D) SECURITY CLEARANCES.—All members of the Commission and appropriate staff shall be sworn and hold appropriate security clearances.''.

(2) CHAIRMAN.—

(A) Section 127(c)(6) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' and inserting ''Chairman''.

(B) Section 127(g) of such Act (19 U.S.C. 2213 note) is amended by striking ''Chairperson'' each place it appears and inserting ''Chairman''.

(3) CHAIRMAN AND VICE CHAIRMAN.—Section 127(c)(7) of such Act (19 U.S.C. 2213 note) is amended—

(A) by striking ''CHAIRPERSON AND VICE CHAIRPERSON'' in the heading and inserting ''CHAIRMAN AND VICE CHAIRMAN'';

(B) by striking ''chairperson'' and ''vice chairperson'' in the text and inserting ''Chairman'' and ''Vice Chairman''; and

(C) by inserting ''at the beginning of each new Congress'' before the end period.

(d) APPROPRIATIONS.—Section 127(i) of such Act (19 U.S.C. 2213 note) is amended to read as follows:

''(i) AUTHORIZATION.—

''(1) IN GENERAL.—There are authorized to be appropriated to the Commission for fiscal year 2001, and each fiscal year thereafter, such sums as may be necessary to enable it to carry out its functions. Appropriations to the Commission are authorized to remain available until expended. Unobligated balances of appropriations made to the Trade Deficit Review Commission before the effective date of this subsection shall remain available to the Commission on and after such date.

''(2) FOREIGN TRAVEL FOR OFFICIAL PURPOSES.—Foreign travel for official purposes by members and staff of the Commission may be authorized by either the Chairman or the Vice Chairman.''.

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the first day of the 107th Congress.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

CRAIG (AND OTHERS) AMENDMENT NO. 3795

(Ordered to lie on the table.)

Mr. CRAIG (for himself, Mr. HUTCHINSON, Mr. CRAPO, Mr. THOMAS, Mr. ENZI, Mr. BENNETT, Mr. HATCH, Mr. NICKLES, and Mr. SMITH of Oregon) submitted an amendment intended to be proposed by him to the bill, H.R. 4578, supra; as follows:

At the appropriate place in the bill insert the following new section:

SEC. . REVIEW COMMITTEE FOR FOREST SERVICE RULES.

(a) (1) From the amount appropriated for ''Forest Products,'' a sum of $1,000,000 shall be made available until expended to the Secretary of Agriculture for the purpose of reviewing certain proposed rules concerning the planning and management of National Forest System lands referred to in paragraph (2).

(2) The proposed rules subject to this section are the proposed road management and transportation system rule, and proposed

special areas—roadless area conservation rule published at 64 Federal Register 54074 (October 5, 1999) and 65 Federal Register 11676 and 30276 (March 3 and May 10, 2000), respectively.

(b) With the funds allocated pursuant to subsection (a)(1):

(1) The Secretary shall appoint an advisory committee in accordance with the Federal Advisory Committee Act and subsection (d) of persons knowledgeable, and reflecting a diversity of viewpoints, concerning issues related to the planning and management of National Forest System lands. The appointments shall be made as soon as practicable after the date of enactment of this Act.

(2) The advisory committee shall—

(A) review and evaluate the proposed rules referred to in subsection (a)(2) and their prospective implementation, particularly as to their cumulative effects and the manner in which they relate to each other, are integrated, and will function together, including any inconsistencies or conflicts in their goals, purposes, application, or likely results and determined whether and in what way they may be improved; and

(B) submit a written report to the Secretary describing the results of the review and evaluation of the proposed rules required by, and any recommendations for improvement of such rules determined pursuant to, subparagraph (A), including any supplemental or minority views which any member or members of the advisory committee may wish to express.

(3) The Secretary shall make the report of the advisory committee required by paragraph (2)(B) available for public comment and submit the report to the Congress, together with a written response of the Secretary to the report and the public comment on the report.

(c) No funds appropriated by this Act or any other act of Congress may be expended for further development or promulgation of the proposed rules referred to in subsection (a)(2) prior to 60 days after the date of submission to the Congress of the report of the advisory committee and the response of the Secretary pursuant to subsection (b)(3).

(d) (1) The advisory committee appointed pursuant to subsection (b)(1) shall have no more than 15, nor less than 9, members who may not be officers or employees of the United States. The Chair of the advisory committee shall be selected from among and by its members.

(2) The members of the advisory committee, while attending conferences, hearing, or meetings of the advisory committee or while otherwise serving at the request of the Chair shall each be entitled to receive compensation at a rate not in excess of the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5, United States Code, including travel time, and while away from their homes or regular places of business shall each be reimbursed for travel expenses, including per diem in lieu of subsistence as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

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NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled ''GAO's Performance and Accountability Review: Is the SBA on PAR?'' The hearing will be held on Thursday, July 20, 2000, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

The hearing will be broadcast live over the Internet from our homepage address: http://www.senate.gov/sbc.

For further information, please contact David Bohley at 224–5175.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a meeting to mark up S. 1594, Community Development and Venture Capital Act of 1999, and other pending matters. The markup will be held on Wednesday, July 26, 2000, beginning at 9 a.m., in room 428A, Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing originally scheduled for Wednesday, July 12, 2000, at 2:30 p.m., has been postponed until Friday, July 21, 2000, at 9:30 a.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this oversight hearing is to receive testimony on the Draft Environmental Impact Statement implementing the October 1999 announcement by President Clinton to review approximately 40 million acres of national forest lands for increased protection.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mark Rey at (202) 224–6170.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. CRAIG. Mr. President, I would like to announce for the public that a hearing has been scheduled before the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources.

The hearing will take place on Thursday, July 20, 2000, at 2:00 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, D.C.

The purpose of this hearing is to receive testimony on S. 2754, a bill to provide for the exchange of certain land in the State of Utah; S. 2757, a bill to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington; and S. 2691, a bill to provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon.

Those who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, D.C. 20510. For further information, please call Mike Menge at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Tuesday, July 11, 2000, at 10:00 a.m., in Hart 216.

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

SUBCOMMITTEE ON HOUSING AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Housing and Transportation of the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Tuesday, July 11, 2000, to conduct a hearing to examine the ''Federal Transit Administration's approval of extension of the Amtrak Commuter Rail Contract.''

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

SUBCOMMITTEE ON WATER AND POWER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Water and Power of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, July 11 at 2:30 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2195, a bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water; S. 2350, a bill to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah; and S. 2672, a bill to provide for the conveyance of various reclamation projects to local water authorities.

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

SPECIAL COMMITTEE ON AGING

Mr. ROTH. Mr. President, I ask consent that the Special Committee on Aging be authorized to meet today, July 11, 2000 from 9:30 p.m.–12:00 p.m. in Dirksen 628 for the purpose of conducting a hearing.

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

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PRIVILEGES OF THE FLOOR

Mr. REID. Mr. President, I ask unanimous consent that John Sparrow, Jerry Pannullo, Lee Holtzman, and Matthew Vogele of the Finance Committee staff be granted the privilege of the floor for the remainder of the week.

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

Mr. WELLSTONE. Mr. President, I ask unanimous consent that Erin Fullerton be granted the privilege of the floor during the debate today.

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

Mr. LEVIN. Mr. President, on behalf of Senator BIDEN, I ask unanimous consent the privilege of the floor be granted to a member of his staff, Ben

Lowenthal, a Pearson Fellow currently at the Committee on Foreign Relations, during the pendency of the DOD bills.

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

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NOTICE—2000 JULY QUARTERLY REPORTS

The mailing and filing date of the July Quarterly Report required by the Federal Election Campaign Act, as amended, is Saturday, July 15, 2000. All Principal Campaign Committees supporting Senate candidates in the 2000 races must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 12 noon until 4 p.m. on July 15, to receive these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

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NOTICE—2000 MID YEAR REPORT

The mailing and filing date of the 2000 Mid Year Report required by the Federal Election Campaign Act, as amended, is Monday, July 31, 2000. All Principal Campaign Committees supporting Senate candidates in an election year other than 2000 must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 6 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224–0322.

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NOTICE—REGISTRATION OF MASS MAILINGS

The filing date for 2000 second quarter mass mailings is July 25, 2000. If your office did no mass mailings during this period, please submit a form that states ''none.''

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office at (202) 224–0322.

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ORDERS FOR WEDNESDAY, JULY 12, 2000

Mr. WARNER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 9:30 a.m. on Wednesday, July 12. I further ask unanimous consent that on Wednesday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume the 2 hours of closing remarks prior to the Senate proceeding to H.R. 8.

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

PROGRAM

Mr. WARNER. For the information of all Senators, at approximately 11:30 a.m. the Senate will immediately begin a vote in relation to the Bennett amendment to the DOD authorization bill. Following the 11:30 a.m. vote, the Senate will proceed to the estate tax bill, and if an agreement cannot be reached, the Senate would then resume consideration of the Interior appropriations bill. A finite list of amendments may have been agreed to with respect to the Interior appropriations bill; therefore, votes could occur throughout the day and into the evening with respect to the Interior bill.

Also, the Senate may be asked to resume the Death Tax Elimination Act with amendments in order, if an agreement can be reached between the two leaders. It is hoped that the Senate can conclude the Interior bill and the DOD authorization bill by the close of business on Wednesday. The leadership has announced that the Senate will consider and complete the reconciliation bill during this week's session also.

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ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. WARNER. If there is no further business to come before the Senate, I now ask unanimous consent the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 8:38 p.m., adjourned until Wednesday, July 12, 2000, at 9:30 a.m.

EXTENSIONS OF REMARKS

THE TEXAS SHRIMP ASSOCIATION

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ORTIZ. Mr. Speaker, I rise today to commend the Texas Shrimp Association on the occasion of its golden anniversary. On August 6, 1950, the Texas Shrimp Association was born out of necessity; its industry was on the verge of extinction.

The Federal Food and Drug Administration was prepared to utterly reform the industry; it was given the ultimatum ''clean up or be cleaned up.'' While fear motivated the Association at its infancy, safety, customer satisfaction and superior businesses became the focus of the Texas Shrimp Association (TSA) as it grew with the 20th Century.

During the 50-year history of the TSA, it concentrated its energies on becoming leaders in U.S. fisheries. The growth has benefitted many more people than those associated with the shrimping industry; the industry overcame enormous challenges to contribute over $600 million annually to the Texas economy.

Life has never been easy for those who cast their nets for shrimp. Shrimping is hard, dangerous, dirty and many times lonely. The TSA has faced legal and regulatory changes that often prove to be difficult, although the waters of the Gulf of Mexico are more treacherous than the waters of Washington.

The TSA board conducts a host of efforts to ensure the continued vitality of the shrimp harvesting industry. These efforts include: monitoring legislative activity in Austin and Washington where regulations are written that govern the industry, monitoring the Gulf of Mexico Fishery Management Council and the National Marine Fisheries Service and other agencies with regulatory authority over the industry, and working with the International Trade Commission to protect the industry.

TSA also works closely with the Texas Parks and Wildlife Department on activities that enhance our state's fishery resources. It monitors and responds to permit applications that affect wetlands, bays and estuaries, water quality and other environmental concerns. TSA is a group of hard-working, dedicated people.

Through it all, it is primarily about education . . . the education of consumers, of lawmakers at the state and national levels, the press, environmental groups and the public at large. It is part of a market expansion and consumer education program in conjunction with the Texas A&M University system, through which it is developing strategies related to consumer preference for domestic shrimp, and promoting quality assurance programs.

Mr. Speaker, I ask the House of Representatives to join me in commending the men and women of the Texas Shrimp Association for the hard work it does on the 50th anniversary of its founding.

IN RECOGNITION OF THE BAYSIDE TIMES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ACKERMAN. Mr. Speaker, I rise today to pay tribute to the Bayside Times, a weekly community newspaper in Bayside, New York in the borough of Queens, which is hosting its 65th anniversary celebration on Thursday, July 13, 2000.

The Bayside Times was launched by the Alison family early in the last century. The first issue hit the newsstands on July 2, 1935 with the front page headline ''Bayside's Own Newspaper Makes Its Appearance.'' That first edition included stories on local marriages and birthday celebrations, the Bayside American Legion and the Bayside Pet Show. The newspaper attracted many loyal readers and established a strong identity in the area. The ''Bayside Times'' was actually the first community newspaper that I had ever seen.

Then on July 10, 1989, Steve Blank, who had a vision of creating a daily newspaper that published once a week, purchased the Bayside Times from David Allison Jr., a second generation owner of the publication. Steve Blank brought years of experience in the newspaper business to the Bayside Times. After graduating with a journalism degree from Boston University, he held positions at weekly newspapers in the Massachusetts area, the Daily Record in his native New Jersey and the Post Standard in Syracuse, New York. He was also a court house correspondent and an award winning investigative reporter for the Kansas City Star. In addition, he obtained experience on the business side of the industry as a media buyer for Savermart, a major chain of consumer electronics stores.

Steve Blank used his impeccable credentials to transform the Bayside Times into a model for community journalism. Under his leadership, the quality of writing and reporting of local news events became second to none. Steve Blank also afforded local businesses and merchants, the opportunities to reach their customers in an efficient and cost-effective manner. He redesigned the periodical to give it a more contemporary look and reorganized it to make it easier for readers to find information. He also boosted the newspaper's circulation, computerized its operation and increased the editorial and business staff.

From 1991 to 1998, Mr. Blank expanded his operation to include newspapers throughout the Borough of Queens. Operating under Queens Publishing Corporation, Steve Blank presently publishes 13 newspapers in the Times/Ledger chain.

Yes, from Humble beginnings—including loading newspapers into the trunk of his car—to winning numerous local and state journalism awards, Steve Blank has built the Bayside Times into a newspaper heavyweight in the new millennium. Yet he continues to stay on the original mission that the Bayside Times set 65 years ago—to provide local news coverage in a fair, accurate and balanced manner. Whether through the breadth of its stories, the quality of its editorials, the informative advertisements, the Q-Guide or its web site—www.timesledger.com—the Bayside Times remains on the cutting edge of community journalism.

Mr. Speaker, I ask all my colleagues in the House of Representatives to join me now in congratulating Steve Blank and the entire staff of the Bayside Times and the Times/Ledger newspaper chain for a terrific 65 years of service to the Bayside community. I am confident that the Bayside Times will continue to enjoy success for many more years to come.

TRIBUTE TO MARCELLA R. BROWN

HON. JOSE E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mrs. Marcella R. Brown, an outstanding individual who has dedicated her life to public service and education. She was honored on July 8, 2000 by parents, family, friends, and professionals for her outstanding contributions to the community at the Washington Avenue Community Center in the Bronx.

Born in Charleston, South Carolina, Mrs. Brown moved to the South Bronx in 1959 with her late husband, Nathaniel, and their eight children. She is blessed with 19 grandchildren and three great grandchildren. In 1967, Mrs. Brown began as a community organizer at L.A.B.O.R. and was there for twenty years. In 1972, she earned a B.A. Degree in Urban Planning from Manhattan College and continued her pursuit of postgraduate studies and was awarded a certificate in Health & Human Services. She also graduated with honors from the first class at NYCPD Citizens' Policy Academy, an initiative designed to build positive community relations between residents and the police department

Mr. Speaker, Mrs. Brown, currently, works with the Ehrlick Residential Mental Health Housing Program assisting residents in need of supportive intensive services. She began as a Residential Counselor and for the past eleven years she has served as the Entitlement Intake Specialist. In addition, she served as the District Leader in the 78th Assembly District for two terms. She was on the first community board of the Dr. Martin Luther King Jr.'s Health Center, where she served for twenty years and is the proud recipient of the Dr. Martin Luther King Jr. Life Time Achievement's award for dedicated service. Mrs. Brown was responsible for organizing the community to advance the completion of the NYCHA development at 1162–76 Washington Avenue in the Bronx. She also assisted in the screening of tenants for the first ''Turnkey''

NYCHA development in the South Bronx/Morrisania area.

Mrs. Brown belongs to many business, professional, religious and civic organizations and has received numerous honors and awards. Presently, she is serving her fifth term as Chairwoman of Community Planning Board III, she serves as President of the 1162–76 Washington Avenue Tenant Association and has been a resident since the development opened in 1974, she is former Chairwoman for the Interim Council of Presidents for the NYCHA Bronx South District, First Vice President at Lincoln Hospital Community Advisory Board, Worthy Matron at Tyber Chapter #6C Order of Eastern Stars, Member of the Bronx Urban League and the NAACP. She serves as the Chairwoman of Women's Day Program and President of Pastor's Aide-Auxillary at Mt. Carmel Baptist Church. Mrs. Brown's daily motto has been ''I can do all things through Christ who strengthens me.''

Mr. Speaker, I ask my colleagues to join me in recognizing Mrs. Marcella R. Brown for her outstanding achievements in community service.

IN MEMORY OF U.S. REPRESENTATIVE WILLIAM J. RANDALL

HON. KAREN McCARTHY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Ms. MCCARTHY of Missouri. Mr. Speaker, I rise today to pay tribute to a former member who was laid to rest today. U.S. Representative William J. Randall died earlier this week in his home town of Independence, Missouri. He served in the United States House of Representatives from 1959 until 1977 representing Missouri's Fourth Congressional District. Through the years redistricting has changed the makeup of the districts in Missouri; his home address is now in the Fifth District which I currently represent. My Independence District Office is located in the U.S. Post Office which now bears his name. Known for his tireless constituent services, my office is inspired by him daily to serve our citizens to the best of our ability.

Congressman Randall had a distinguished career here in the Peoples' House. Elected to fill a vacancy in March of 1959, he served eight additional full terms. His service in the House included work on the House Government Operations Committee. As Chairman of the Government Activities and Transportation Subcommittee he exercised oversight over the Federal Aviation Administration. He is credited with playing a major role in the process of selecting and training air traffic controllers, resulting in improved service and performance in air safety. His tenure is also noteworthy in that he represented then retired President Truman.

As a member of the Armed Services Committee, he rose to the Chairmanship of the NATO Subcommittee. He was an expert in the understanding of the relationship with America and its European allies in the Cold War era.

In his final term in Congress Representative Randall accepted additional responsibility and was named Chairman of the Select Committee on Aging and was an effective advocate for the senior citizens.

Probably the highest tribute I am aware of for Congressman Randall comes from remarks on the occasion of his retirement by his colleague U.S. Representative J.J. Pickle of Texas. In his remarks about the work on the Armed Services Committee, Congressman Pickle said of Bill Randall: ''. . . many of us can sleep better at night because Bill Randall was so diligent in his duties.'' Following his service in Congress, Representative Randall returned to his home town of Independence, Missouri, and resumed the practice of law.

Born in Independence, Jackson County, Missouri, July 16, 1909, he graduated from William Chrisman High School in 1927, Junior College of Kansas City, Missouri, in 1929, University of Missouri in 1931, and Kansas City School of Law in 1936. He served in the United States Army in World War II in the southwest Pacific and the Philippines. Elected as a judge of the Jackson County Court in 1946 he served in that capacity until elected to Congress in 1959. He was a valued mentor to me. His advise was wise and insightful. A man of the people, he continued attending community events and visiting with patrons at the Courthouse Exchange Restaurant on the Square in Independence, the city he loved and returned to. Everyone in the area knew Bill Randall and appreciated his service and down-to-earth style.

He is preceded in death by his wife Margaret and survived by his daughter, Mary Pat Wilson and his very dear friend and companion Helen Keen, to whom we offer our sincere condolences.

HONORING THE LOCAL 103 OF THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. DELAHUNT. Mr. Speaker, one of the great rewards of public service is the opportunity to work with some of the finest people in this great land. It is with pleasure and pride that I honor today the men and women of Local 103 of the International Brotherhood of Electrical Workers on the occasion of an historic milestone in its long and accomplished legacy.

At the turn of the last century, 12 courageous men gathered in Boston to charter an IBEW local. The national labor union had been formed a decade earlier in St. Louis to help safeguard health and safety for a trade in which half the workers died on the job. Since then, Local 103 has grown to represent over 5,000 men and women working in construction and telecommunications in 106 Massachusetts cities and towns, with over 200 contractors and 30 collective bargaining agreements.

In recent weeks, it was my privilege to participate in a commemoration of Local 103's one-hundredth anniversary. Over the last century, the IBEW has worked tirelessly to improve the quality of life for our community, and it has been a personal and professional inspiration to stand shoulder-to-shoulder with Local 103 on behalf of its extended family.

The able leadership of Local 103 has earned the respect and admiration of all of us who struggle for fundamental safeguards for working families. The breadth and stature of the leadership of Rich Gambino and his entire team would bring a proud smile to the faces of the 12 pioneers who assembled in 1900 with such vision. We take a moment to salute their memory—Leonard Kimball, Henry Thayer, John McLaughlan, Joseph Hurley, WC Woodward, James Reid, FC Stead, Joseph Matthews, Francis Wachler, Everett Calef, Theodore Gould and WW Harding. We honor their legacy by reaffirming their commitment to paving the way for fair, safe and rewarding work environment for all working men and women.

To commemorate their work and aspirations, following are my remarks to the sisters and brothers of Local 103 to celebrate the dawning of the next century for the IBEW:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
May 6, 2000.

DEAR FRIENDS: To greet the members of Local 103 is to see the face of the American middle class—the people whose mothers and fathers built this nation and the foundation for its future.

From the presidential campaign to the corner grocery, one word you hear a lot these days is ''vision''. To some, it's little more than a throw-away line. But the rank-and-file of 103 has endured a century of world wars and building booms, of depressions and picket lines, of nonunion competition and responsibilities as big as the Hancock Tower. And the members of 103 have not only endured, but have thrived in ways that literally light up this Commonwealth.

The work of Richie Gambino, the 5000 brothers and sisters of Local 103, and their predecessors over the last century, have laid a sound foundation for our community with genuine vision. Vision for economic opportunity and social justice; for traditional industry and for e-business; for global commerce and human rights.

This vision is an engine of skill, hope and compassion which challenges friends, neighbors and even your adversaries to aspire to the standards of excellence personified by those dozen men who gathered 100 years ago in downtown Boston to lay down a marker for fundamental fairness for working people. Every stride we have made along the way has been earned by the proud work and outstretched hand that defines the vision of this extended family.

We respect these humble beginnings by gathering today to reaffirm our commitment to collective bargaining and the equity it ensures—from wages to health care to retirement security.

Over the last 100 years, this nation has been transformed in dozens of historic ways. But certain truths stand unchanged—and they are embodied in the principles for which we together stand, in Washington and here at home.

Please accept my very best for a joyous celebration.

Sincerely,

WILLIAM D. DELAHUNT.

IMPORTING DRUGS SAFELY

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. DINGELL. Mr. Speaker, last evening I voted against the prescription drug import amendments offered by my good friends and colleagues Representatives CROWLEY and COBURN. I want my colleagues to know that I

wish to work with them to craft legislation that achieves the goals they seek, while ensuring that the prescription drugs that Americans consume are as safe as possible. I see no reason why the Commerce Committee cannot roll up its sleeves and mark up good legislation for presentation on the House floor shortly after the August recess.

Mr. Speaker, the Crowley and Coburn Amendments block a key provision of the Prescription Drug Marketing Act (PDMA). This law came into being after an investigation revealed serious irregularities with respect to imported drugs. As stated in the April 1987 report of the Commerce Committee, ''[t]he purpose of the legislation is to protect American consumers from mislabeled, subpotent, adulterated, expired, or counterfeit pharmaceuticals. . .''

Recent investigations of Internet web sites indicate there is still cause for concern. In fact, the U.S. Customs Service recently reported a more than 400 percent increase in the amount of pharmaceuticals being shipped into this country via the U.S. mail, and that in many cases, the origin, purity, or history of the drugs being shipped is indeterminable. These are drugs with major health implications. A May 22 letter from Commissioner Kelly addressed to me and Representative KLINK noted the following: ''[a]mong the most common types of pharmaceuticals seized by Customs are Diazepam; Tylenol with Codeine; Mathandienone; Alprozolam; Xanax; Valium; Codigesic; Lorazepam; Fenfleuramine; Thyroid tabs; Panzatazocine; Cetabon; Andriol; Premarin; and Rohypnol, a powerful sedative sometimes described as a 'date rape' drug.'' Commissioner Kelly said that ''[i]n most of the mail seizures that Customs encounters, the brand name and manufacturer of the products are not identifiable because the original packaging has been removed and repacked into containers that bear no marks or identification.'' These are the same sorts of mislabeling and repackaging shenanigans that the Subcommittee first identified when it investigated this issue more than a decade ago, and led to the PDMA.

Equally alarming are the findings of a hearing held just last month by the Subcommittee on Oversight and Investigations on the potential dangers of counterfeit bulk drugs, and the global problems they pose. Chairman UPTON, in his opening statement, said: ''[t]he international community is also increasingly concerned. Just last month, the World Health Organization and international pharmacists and international drug manufacturers publicized their concerns about counterfeit drugs. Some have estimated that 50 to 70 percent of the drugs in some developing countries are counterfeit.'' Why is it that we don't believe these drugs can find their way into countries where U.S. consumers may wish to purchase their medications? This is particularly troubling given the FDA's confirmation later in the hearing to Representative BURR that it has information that there were injuries to American citizens associated with counterfeit products.

Chairman BLILEY has also documented potential serious dangers with drugs from foreign sources. In a lengthy May 8, 2000, letter to FDA Commissioner Henney he suggests that not only have Americans possibly been injured or even killed from foreign-made pharmaceuticals, but that ''[d]evelopments from this investigation require the Committee to intensify its examination and request that the FDA consider taking certain actions to protect the American public.''

First and foremost, the PDMA is a public health and safety law. We should therefore tread carefully before changing it. I am greatly concerned that the amendments adopted by the House lack the care and craftsmanship needed to ensure both access to less expensive prescription drugs and assurance of safety for the consumer.

The investigation that led to the PDMA discovered a ''diversion market'' that prevented effective control over the true sources of merchandise in a significant number of cases. The integrity of the distribution system was insufficient to prevent the introduction and eventual retail sale of substandard, ineffective, or even counterfeit pharmaceuticals. As the Committee report stated, ''pharmaceuticals which have been mislabeled, misbranded, improperly stored or shipped, have exceeded their expiration dates, or are bald counterfeits are injected into the national distribution system for ultimate sale to consumers.''

The PDMA was ''designed to restore the integrity and control over the pharmaceutical market necessary to eliminate actual and potential health and safety problems before serious consumer injury results.'' The Committee report specifically outlined the concerns PDMA was intended to address: ''Reimported pharmaceuticals threaten the American public health in two ways. First, foreign counterfeits, falsely described as reimported U.S. produced drugs, have entered the distribution system. Second, proper storage and handling of legitimate pharmaceuticals cannot be guaranteed by U.S. law once the drugs have left the boundaries of the United States.'' The PDMA is not perfect. But I dare say that the PDMA has saved a lot of lives.

Now let us note why legislation to modify the PDMA in a responsible fashion is an idea whose time has come. Foreign drugs are often less expensive than domestically available products. Notwithstanding the range of safety risks they pose, many Americans seek them out because of outrageously high domestic prices that make drugs unaffordable for many Americans, particularly the elderly. I am open to a careful review and revision of PDMA for the purpose of creating a paradigm for drug importation that is safe for our consumers while facilitating access to the international market prices at which many commonly prescribed prescription drugs are available.

Mr. Speaker, I do want to acknowledge beneficial aspects of the amendments to which these comments are addressed. An overwhelming majority of my colleagues from both sides of the aisle are now on record for the proposition that the price Americans pay for prescription drugs is too high. Lack of access to medically necessary prescription drugs is a real problem faced by millions of Americans. Let us do better and give consumers access to lower priced prescription pharmaceuticals that are safe.

CAPTAIN ADAN GUERRERO

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to a special service officer, Captain Adan Guerrero, commander of the United States Coast Guard Marine Safety Office in Corpus Christi.

Captain Guerrero is the model service officer for the Coast Guard. In addition to being a great guy who deals squarely with whatever comes up and a tireless advocate for the United States Coast Guard and the men and women who serve in his command, he is also a hometown boy.

This Coastie from Corpus Christi began his service with the U.S. Coast Guard after graduating from the Coast Guard Academy in 1974. He served first as a deck officer on the USCGC *Morgenthau* from 1974 to 1976 when it was homeported in New York City. He served as engineer officer aboard the USCGC *Durable* homeported in Brownsville, Texas from 1983–1986.

Captain Guerrero started a career in marine safety at the Marine Inspection Office in New Orleans, where he served as a marine inspector, investigating officer and licensing examiner. He also served as the Coast Guard liaison officer at the United States Embassy in Mexico City before returning again to the Marine Safety Office Training Office. From 1990–98, he served as the executive officer responsible for marine safety and environmental protection on over 500 miles of the Ohio River.

Before returning to Corpus Christi, he was chief of the Vessel and Facility Operating Standards Division, Office of Operating and Environmental Standards, Coast Guard Headquarters in Washington, DC. He represented the United States when he headed the delegation on Ship/Port Interface Working Group of the International Maritime Organization in London.

He also served as director of the National Offshore Safety Advisory Committee and the Commercial Fishing Industry Vessel Advisory Committee. He has been awarded two Coast Guard Commendation Medals and three Coast Guard Achievement Medals with Operational Distinguishing Device.

I ask my colleagues to join me today in wishing Captain Guerrero well upon his retirement with his wife, Silvia DeLaRosa of Corpus Christi, and their children, Nicolas and Benjamin.

HONORING LIEUTENANT DENNIS SLOCUMB ON HIS RETIREMENT AFTER 32 YEARS OF SERVICE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Ms. SANCHEZ. Mr. Speaker, today I would like to congratulate Lieutenant Dennis Slocumb on his retirement after 32 years of service with the Los Angeles County Sheriff's Department. Mr. Slocumb has devoted his career to protecting the lives of all Californian's, and in doing so, I would like to pay tribute to Dennis who has exemplified the notion of public service and civic duty.

Lieutenant Slocumb entered the Sheriff's Department in 1968, and during his 32 years of service he assisted the community as a patrolman, a press liaison and lieutenant detective. His most recent assignment was to serve as the president of the Los Angeles County Professional Peace Officers Association, representing over 6,000 law enforcement professionals.

Upon his retirement from the Sheriff's Department, Lieutenant Slocumb will be honored by his community and his colleagues to serve as executive vice president with the International Union of Police Associations in Alexandria, Virginia.

What makes these accomplishments even more remarkable is that Dennis is a devoted husband and father of one. Lieutenant Slocumb's role as a public servant to the people of his community and all Californian's will not go unnoticed. Dennis truly lived the life of a model police officer and he has earned the right to say that he's made a difference.

It is with this, that I would like to honor Mr. Slocumb and his efforts to make his community a better place to live. His dedication and know-how have distinguished him greatly. The citizens of California owe Dennis a lot of gratitude and I wish him well.

TRIBUTE TO THE LATE TOMMIE J. ROBINSON

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. THOMPSON of Mississippi. Mr. Speaker, it gives me great pleasure to stand before you to commemorate the memory of the late Tommie J. Robinson. Robinson was one of Bolton, Mississippi's oldest residents.

Robinson, a homemaker, died of heart failure on June 23, 2000. She was 106 years old. To many, Robinson was the town historian. People from all around would come to her and say, ''What was life like in Mississippi 50 years ago?''

A devoted wife and mother, Robinson worked very hard to make her community a better place for future generations. Formerly a member of Asbury United Methodist Church, Robinson later became a member of Mount Olive Missionary Baptist Church until her death.

Robinson was an advocate for education in the black community. She encouraged black youth to seek higher education, and promoted the importance of reading. Robinson was very well known for her acute spelling ability. Many of her neighbors and friends would rely on her keen spelling abilities and challenge her to test her knowledge. She always proved triumphant.

Mr. Speaker, Tommie J. Robinson has touched the lives of many people. She will be missed, and she will always be remembered by the people of Bolton as one who loved the state of Mississippi.

INTRODUCTION OF THE PARTICIPANT ADVOCATE BILL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ANDREWS. Mr. Speaker, today Senator HARKIN and I are pleased to introduce legislation to create an Office of Pension Participant Advocacy within the Department of Labor. This is an idea whose time is long overdue. Over the last several decades, and particularly since Congress enacted the Employee Retirement Income Security Act of 1974, our pension system has grown increasingly complicated and less ''employee-friendly''. Even in the best of circumstances, pension law is complex. But, when employees or retirees have questions or problems, understanding and maneuvering through our pension system can be a nightmare.

I, and many other members of Congress, have long believed that individuals need a single easy place that they can turn to when they have problems with our pension system. Currently, pension issues are handled by a variety of agencies, including the Department of Labor, Department of Treasury, Internal Revenue Service, Pension Benefit Guaranty Corporation, as well as several other agencies. Finding the right agency itself can be a challenge. In addition, these agencies often are not set up to help with individual problems and concerns. The IRS and Treasury Departments primarily focus on tax abuses, not individual inquiries. For many years, the Department of Labor had little or no staff to help individuals with specific problems. Even though the Department has worked hard in the past five years to develop a team of ''benefit advisers'', there is no clear statutory mandate for this program, nor clear directive that the Department should provide an easy and accessible entry point for individuals with pension problems. The American people need a simple place to go to address their pension concerns. There is no need or reason to seek out expensive lawyers when an individual has a particular pension problem which may involve a small amount of money dollar-wise, but mean the difference between a decent and an impoverished retirement to that person.

The Office of Pension Participant Advocacy would establish a clear Congressional mandate that the Department of Labor should be the entry point for individuals with their pension problems. We are not talking about creating a new bureaucracy, but streamlining and improving the existing system. Under our legislation, the Department of Labor would establish an Office of the Pension Participant Advocate that would be headed by a senior executive with demonstrated expertise in pension participant assistance. The Office would evaluate the efforts of existing entities to assist pension plan participants and promote the effectiveness of our pension system by increasing awareness of the importance of pensions and ensuring that the pension benefit rights of individuals are protected. The Pension Participant Advocate annually would report to the Administration and Congress on policy issues it has encountered and make recommendations for resolving them.

We hope this bill will receive widespread bipartisan support. Over the past several years, a bipartisan group of members and outside organizations has expressed concern about the shortcomings of our current pension assistance system. We hope this bill will provide a meaningful and cost effective solution to the system's current inadequacies and look forward to working with our colleagues towards its enactment.

PERSONAL EXPLANATION

HON. RUBEN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. HINOJOSA. Mr. Speaker, yesterday I hosted Labor Secretary Alexis Herman in my Congressional District who was meeting with local officials and community members. Our late return to Washington resulted in my missing the following votes on H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies for the fiscal year ending September 30, 2001:

Roll No. 373, on agreeing to the Coburn amendment that sought to prohibit the use of any funding for drugs solely intended for the chemical inducement of abortion. Had I been present I would have voted no.

Roll No. 374, on agreeing to the Royce amendment that sought to reduce by one percent each amount that is not required to be appropriated or otherwise made available by a provision of law. Had I been present I would have voted no.

Roll No. 375, on agreeing to the Crowley amendment that prohibits the FDA from taking actions that restrict the purchase of prescription drugs in Canada and Mexico by United States citizens. Had I been present I would have voted aye.

Roll No. 376, on agreeing to the Royce amendment that sought to prohibit any funding to award any new allocations under the market access program or pay salaries of personnel to award such allocations. Had I been present I would have voted no.

Roll No. 377, on agreeing to the Coburn amendment that prohibits the FDA from taking any action to interfere with the import of drugs that have been approved for use within the United States and were manufactured in an FDA approved facility in the United States, Canada, or Mexico. Had I been present I would have voted aye.

Roll No. 378, on agreeing to the Sanford amendment that sought to prohibit any funding by the Department of Agriculture to carry out a pilot program under child nutrition programs to study the effects of providing free breakfasts to students without regard to family income. Had I been present I would have voted no.

A TRIBUTE TO THE ALL-AMERICAN EAGLES PARTICIPANTS

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. LIPINSKI. Mr. Speaker, today I congratulate the participants of my 2000 All-American Eagles program. When I was a Recreation Supervisor with the Chicago Park District in the late 1960's, I started the All-American Eagles competition. In 1983, 1 was elected to represent the people of the (current) Third Congressional District of Illinois, and brought the program to Southwest Chicago and its near suburbs. After thirty-one successful years, this program is still the cornerstone of my efforts to recognize and honor many of our

district's exemplary seventh and eighth grade students.

This year's theme was World War I, and consisted of three components—an essay and public speaking contest, an artwork competition, and a history quiz. Students who participated in the essay contest submitted an essay from 250–500 words long about the most important person or event in World War I. The top 20 essayists were asked to present their work orally to a panel of judges consisting of local teachers and elected officials. The top three finishers for each event were given a plaque and/or a savings bond, and accumulated points for the overall competition. The overall winner received a $500 savings bond. The school that sent the most participants received a $250 savings bond.

It now gives me great pleasure to announce to my colleagues the winners of the 2000 All American Eagles competition. For the essay-speech contest, Imelda Vionontes from Kinzie delivered an excellent essay about the economic and social devastation during World War I, earning her a third place finish. Samuel Lin from Southwest Chicago Christian School earned a second place prize for his remarks about the Treaty of Versailles. Nicole Svajlenka from St. Alexander School delivered an outstanding essay about the pilots of the Lafayette Escadrille, earning a $100 savings bond and first place.

I was truly impressed with the artwork submitted for the competition this year. I have no doubt that today's youth will make great contributions to the tomorrow's culture. Winning the third place prize was Ashley Wrobel from St. George School. Joseph Waterlander and Samuel Lin from Southwest Chicago Christian School took second and first place respectively.

For the history quiz, I am reminded by the aphorism that states, ''Anybody can make history—only a great man can write it.'' The following are the potentially ''great'' future historians that aced the history quiz. Demonstrating a clear interest in world history was Paul Wieckiewicz from Our Lady of the Mount School, earning a third place finish. In second place was Adam Jures from Lincoln Middle School. Finally, Samuel Lin from Southwest Chicago Christian School won his second competition and demonstrated a profound interest in the social sciences.

Furthermore, Samuel Lin made important strides towards the funding of his college education, winning the 2000 All American Eagle Award. I congratulate Samuel for his hard work and deep commitment to his continuing education. Today, I charge Samuel to use his ambition and academic talent in service to this great nation, as he is a credit to his family and community.

Again, I would like to thank all the participants in this year's competition, as well as St. George School for providing the most participants. Judging these contests can often be a difficult task. However, I had the pleasure of hearing great essays and seeing the talent of a new generation of Americans.

Mr. Speaker, I urge these young Americans to pursue their interests to the fullest extent of their abilities and to the betterment of this nation.

TRIBUTE TO COLONEL FRANCIS G. MAHON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. CASTLE. Mr. Speaker, I rise today to congratulate Colonel Francis G. Mahon. Colonel Mahon was born in Northport, New York, the son of Mr. and Mrs. Paul G. Mahon. He was commissioned at the University of Delaware in 1979 when he graduated with a Bachelor of Science Degree in Accounting. In 1988, he completed a Master of Science Degree in Systems Technology. His Military education includes the Air Defense Artillery Basic Course, the Armor Officers Advanced Course, the Combined Arms Services Staff School, the United States Army Command and General Staff College, and the Army War College at Carlisle Barracks, Carlisle, PA.

Colonel Mahon has served in many key assignments, including Chaparral Platoon Leader and Battery Executive Officer of Battery C, 4th Battalion, 61st Air Defense Artillery, 4th Infantry Division (Mechanized), Fort Carson, CO; Battery Executive Officer of Battery D, 2nd Battalion, 61st Air Defense Artillery; Assistant S–3, 2nd Battalion, 61st Air Defense Artillery, and Battery Commander, Battery B, 2nd Battalion, 61st Air Defense Artillery, 2nd Infantry Division, Republic of Korea; Chief of Intelligence Branch, C31 Division, USAADASCH Directorate of Combat Developments, Fort Bliss, Texas; Battalion Operations Officer, 5th Battalion, 7th Air Defense Artillery, Bitburg Germany; Brigade Operations Officer, 94th Air Defense Artillery Brigade, Kaiserslautern, Germany; Commanding Officer, 3rd Battalion (PATRIOT), 43rd Air Defense Artillery; and Missile Defense Planner, Office of the Chairman of the Joint Chiefs of Staff, The Pentagon, Virginia.

Colonel Mahon will begin Command of the 11th Air Defense Artillery Brigade, Fort Bliss, Texas, on July 13, 2000.

His awards and decorations include the Meritorious Service Medal with three Oak Leaf Clusters, the Army Commendation Medal with three Oak Leaf Clusters, and the Army Superior Unit Award with one Oak Leaf Cluster.

Colonel Mahon is married to the former Elizabeth Cecelia McGowan, daughter of Todd and Elizabeth McGowan of Wilmington, Delaware. They have four children, Elizabeth Anne (12), Kathleen Margaret (8), Mary Frances (6) and Francis Todd (3).

Colonel Mahon has worked for more than 20 years in service to his community and nation. I ask my colleagues in the House of Representatives to join me in congratulating and thanking Colonel Mahon and his family for their dedicated service to the United States of America. We wish him much success as he begins his new command.

CONFERENCE REPORT ON H.R. 4425, MILITARY CONSTRUCTION APPROPRIATIONS ACT, 2001

SPEECH OF

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 2000

Mr. BURR of North Carolina. Mr. Speaker, I rise to express my reluctant support for the Conference Report on H.R. 4425, the Fiscal Year 2001 Military Construction Appropriations Bill. While I wholeheartedly endorse the bill as originally reported by the House in May, which contained funding for important construction projects at North Carolina's military bases, I do have some concerns about the new spending added to the bill in Conference.

Much of what was added to this bill in Conference could have been addressed through the normal appropriations process. Among the most egregious examples of pork spending in this bill are: $45 million for a new jet for the Commandant of the Coast Guard; $25 million for a new community center in Ohio; $7 million to ''study'' sea turtles in the Pacific Ocean; and $25 million to build a new firearms training center for the Customs Service in West Virginia.

However, the bill also contains numerous provisions that address the true emergency needs of many in this country, and in North Carolina particularly. Thousands of people in my home state are still struggling to overcome the impact of last fall's hurricanes, and have been waiting for months for Congress to take action. The assistance provided in this conference report will be critical in helping my fellow North Carolinians return to at least a semblance of the lives they led before last September's devastating floods.

Despite my concerns about the use of this bill to provide money for projects that are obviously not true emergencies, I am grateful to the Appropriations Committee for providing the desperately needed hurricane-related assistance, and appreciate their hard work in bringing this legislation to the floor.

HONORING SERGEANT ARTHUR J. REDDY

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Ms. SANCHEZ. Mr. Speaker, on this day, I would like to honor Sergeant Arthur J. Reddy on his retirement after 33 years of service as a police officer with the Los Angeles County Sheriff's Department. Mr. Reddy has contributed greatly to the well-being of our citizens.

Sergeant Reddy began working in the Sheriff's Department in 1967. His assignments have included custody, patrol, and narcotics. He served as a representative to federal, state, and local narcotic advisory councils and enforcement agencies. He also received the distinguished honor of working with the U.S. Department of Justice Task Force in which he served as an inter-agency liaison.

In 1979, he was he was elected to the Board of Directors of the L.A. County Professional Police Officer's Association. Mr.

Reddy's leadership roles in numerous organizations culminated in 1995 when he was elected to serve as the Vice-President of the International Union of Police Associations and Legislative Liaison for three terms. Sergeant Reddy has not only fulfilled all the requirements of his job in an exemplary manner, but he has gone above and beyond the call of duty.

It is because of these accomplishments I am deeply honored in recognizing Sergeant Reddy today. He deserves our deepest gratitude and sincere wishes for a happy and peaceful retirement.

LEHIGH VALLEY HERO JOHN FINNEGAN, JR.

HON. PATRICK J. TOOMEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. TOOMEY. Mr. Speaker, today I rise to pay tribute to one of my constituents, Mr. John Finnegan, Jr. Mr. Finnegan, who only moved to the Lehigh Valley four years ago, has displayed an extraordinary dedication to the people of his community. The Director of Consulting Services at Dun and Bradstreet, Mr. Finnegan serves as a member of the Board of Supervisors of Hanover Township, Northampton County. He has served as the chief fund-raiser for the township's bicentennial committee, and on its parks and recreation board. His hard work and diligence have made a tremendous difference in the life of his community.

In addition to his civic and corporate involvement, Mr. Finnegan's personal actions also serve as a model for others to follow. He has been a coach for Little League baseball and hockey leagues, serving as a role model and mentor to the youth of the Lehigh Valley. Coordinator for his neighborhood crime watch, Mr. Finnegan has become an invaluable resource to the constituents of my district in the short time he has lived there. I applaud Mr. Finnegan for his devotion to the Lehigh Valley community. John Finnegan is a Lehigh Valley Hero.

SENSE OF CONGRESS REGARDING VIETNAMESE AMERICANS AND OTHERS WHO SEEK TO IMPROVE SOCIAL AND POLITICAL CONDITIONS IN VIETNAM

SPEECH OF

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise to express my strong support for H. Con. Res. 322, a resolution which expresses the sense of Congress regarding the sacrifices of individuals who served in the Armed Forces of the former Republic of Vietnam.

I introduced this resolution several months ago to honor the brave Vietnamese men and women who fought alongside American forces during the Vietnam conflict, and yet were never given the proper recognition. It is my strong belief that the individuals who served in the Armed Forces of the Republic of Vietnam should be commended for their bravery and courage in the face of severe adversity and hardship.

This year marks the twenty-fifth anniversary of the Fall of Saigon to Communist forces. The Armed Forces of the Republic of Vietnam suffered enormous casualties during the Vietnam Conflict. From 1961 to 1975, over 750,000 Vietnamese men were wounded and over 250,000 Vietnamese men were killed in action. These brave men made the ultimate sacrifice: they died fighting for freedom and democracy in their homeland. Although their homeland was lost to Communist forces, their sacrifices must never be forgotten.

After the war, the government of the Socialist Republic of Vietnam forcibly rounded up intellectuals, political leaders, teachers, poets, artists, religious leaders, and former officers and enlisted personnel of the Armed Forces of the Republic of Vietnam and sent them to re-education camps—a more appropriate term would be ''Vietnamese Gulag.'' These camps evoke images akin to the Nazi death camps during World War II. The prisoners, deemed security risks by the Communist regime, were regularly beaten, starved, tortured, and forced to endure inhumane conditions. Unfortunately, many, if not most, did not survive.

As one former prisoner told the Seattle Times, ''The Communist did not need reasons to kill. Prisoners were expendable, worked to death . . .'' Or told through the eyes of another former prisoner, ''They [the Communists] don't kill everyone all at once, but slowly, slowly.''

I would like to mention some remarkable individuals who survived the Vietnamese Gulag and have personally shared their stories with me. These stories speak of courage, spirit, and the human will to live. These individuals now live in Northern Virginia. Mr. Nguyen Cao Quyen, Mr. Nguyen Van Thanh, Mr. Tran Nhat Kim, Mr. Dinh Anh Thai are all former prisoners of the Vietnamese Gulag. Their crime: they were officers of the Armed Forces of the Republic of Vietnam or worked for the South Vietnamese government.

Mr. Vu Hoi—an artist, Mr. Nguyen Chi Thien—a poet, and Professor Doan Viet Hoat, all were intellectuals who were imprisoned by the Communist government for expressing their beliefs about democracy. In total, these three men spent over 50 years in the Vietnamese Gulag.

Finally, I would like to mention Father Nguyen Huu Le and Father Tran Qui Thien who were also imprisoned for many years because they would not use their influence with their parishioners to propagandize Communist ideology. I am proud to represent these courageous individuals and others like them in Virginia's Eleventh District.

Although the current government of the Socialist Republic of Vietnam is a signatory to eight international covenants on human rights, it continues to treat members of the former Armed Forces of Vietnam and their families as second-class citizens. The government of Vietnam has established a two-tiered socio-economic system, reminiscent of the apartheid regime used in South Africa and implemented by the Nazis to isolate Jews in the 1930's.

A good example is education, which is highly valued in Vietnamese culture and society. Yet relatives of the men who suffered in the Vietnamese Gulag cannot enroll in schools because of an official government-endorsed policy of exclusion. Likewise, many relatives of these former prisoners find it difficult to obtain employment for the same reason. The government of the Socialist Republic of Vietnam is adding insult to injury to these principled men who endured years of wrongful imprisonment and torture only to have their families continue to suffer today by not having access to jobs, education, and proper medical treatment.

The end of the Vietnam conflict produced an exodus of over 2 million Vietnamese who fled the country, many in rickety boats that were over-crowded and dangerous. They suffered treacherous seas, pirate attacks, dehydration, lack of food and medicine, and risked death rather than live under a Communist regime. Many of these refugees came to the United States where they have resettled, and are now proud Americans.

While the Vietnamese-American Community has been successful in rebuilding their lives here in the United States, they have not forgotten those who fought in the name of freedom. Traditionally, the former Republic of South Vietnam and presently in Vietnamese-American communities all across America, June 19th represents a day to commemorate and honor both fallen and living heros who have dedicated or are continuing to dedicate their lives to bringing international attention to freedom and the human rights situation in Vietnam. It is a day on which the community memorializes those who gave their lives and recognizes former prisoners of conscience for their commitment and sacrifice in the struggle for democracy and freedom.

This is why on Vietnam Human Rights Day, I introduced, H. Con. Res. 322, a resolution honoring the sacrifices of individuals who served in the Armed Forces of the former Republic of Vietnam. As an original sponsor of the Congressional Dialogue on Vietnam and the Adopt-A-Voice-of-Conscience program, it is not only my honor, but my privilege to have introduced this resolution on behalf of all Vietnamese-Americans and especially, the tens of thousands living in Northern Virginia. It is imperative that we never forget the sacrifices that the members of Armed Forces of the Republic of Vietnam made so that future generations may live in freedom.

I urge my colleagues to support this important resolution because it reaffirms Congress' commitment to Vietnamese-Americans and others whose work helps to keep the spirit of freedom alive for those still living in Vietnam.

It is my strongest hope that the citizens of Vietnam will one day be free: free to elect their own leaders and government, free to worship as they please, free to speak and print their own opinions without fear of persecution or harassment, and simply free to live their lives without government intrusion. This is the will of democracy and the Vietnamese people.

IN HONOR OF JOHN BACO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to John Baco, pitcher for the baseball team at St. Ignatius High School in Ohio. John

has been selected by the Cleveland Plain Dealer as a member of their All-Star baseball team for the Spring 2000 season.

John has demonstrated exceptional athletic ability and tremendous commitment to his sporting activities. As pitcher of the St. Ignatius Wildcats, this gritty senior right-hander is the model of composure. In compiling a 9–0 record with posted victories in the sectional finals, district finals, regional semifinals and state semifinals, John was a part of a St. Ignatius team that made history by advancing to the school's first state championship baseball game. In a complete-game, eight-inning effort against perennial power Cincinnati Moeller in the state semifinals, he stuck out 14, four shy of the big-school Final Four record. These impressive records mirror John's commitment to responsibility. His strong faith and belief in her abilities has enabled her to become one of the finest athletes in northern Ohio.

Recognition by the Cleveland Plain Dealer of John's accomplishments is an amazing honor because it acknowledges the hours of sacrifice and patience needed to cultivate stamina and perseverance, as well as excellence in teamwork and cooperation. More importantly, I am inspired by his motivation, poise, and good sportsmanship on and off the playing field. Knowing that he tried his best is more important than actually winning. Clearly, he is the quintessential model of grace under pressure. I am impressed by such optimism and devotion. He is truly remarkable. I know that John has much to offer. I look forward to offering more congratulations to this promising athlete in the future.

My fellow colleagues, John Baco is an outstanding and inspirational individual. Please join me in honoring his notable accomplishments and achievements in baseball.

MEDICARE RX 2000 ACT

SPEECH OF

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 28, 2000

Mr. WELDON of Florida. Mr. Speaker, I rise in strong support of the Prescription Drug Package, H.R. 4680, The Medicare Rx 2000 Act. 2.7 million Floridians depend on Medicare for their health-care coverage. Currently, we are taking tremendous steps to provide American seniors with comprehensive prescription drug coverage, because no seniors should have to choose between life saving prescription drugs and food for their table. This program will be flexible and voluntary and will give every senior citizen a choice between at least two different plans.

Our plan recognizes that two-thirds of American senior citizens have their own prescription drug coverage from their retirement, or they have little need for prescription drugs throughout the course of the year. These are the lucky ones and we do not want to force them into a plan they do not want nor need. However, some seniors have a tremendous prescription drug burden. Estimates indicate that the average senior citizen will have an annual prescription drug cost of over $2,300 by the year 2003. Some would argue that this is because of inflated drug prices. That may be good rhetoric, but the truth is not that simple.

As a physician, I understand the importance of prescription drugs to seniors. I also understand the great amount of time and effort and expense that goes into manufacturing a drug. These miracle pills take years to craft, test, and finally pass Federal Drug Administration (FDA) muster. It's been said that it costs upwards of one-half billion dollars to get a drug from original conception to the shelf in your local pharmacy. True, prices are higher, but that is due to the increased research and development in our pharmaceutical labs that offer Americans vast improvements over drugs that are currently on the market. With nearly every drug there are side effects. Advances in new drugs offer Americans more precise drugs with fewer side effects and greater conveniences. These advanced drugs are, because of their complexities, more expensive to develop and produce.

According to studies on the impact of our plan, the costs of prescription drugs would quickly fall by 25%, by giving seniors the same collective bargaining powers as members of other prescription drug plans and by forcing pharmacies to compete for seniors' business. Under our plan, the federal government would assume 50% of a senior's drug cost up to $2,350. In addition to this coverage, the plan would guarantee catastrophic coverage so that no senior will ever have to pay over $6,000 a year for life saving prescription drugs.

Another facet of this bipartisan Medicare Rx plan is that it provides a 100% benefit to the poorest seniors. Under our plan, any senior whose annual income is 135% of the poverty level or below will have their full premiums, deductibles and co-payments assumed by the federal government.

Some have offered an alternative plan which would be run solely by the federal government. It is estimated that such an alternative plan would not force competition and would, instead, rely on government mandates and price controls. The Congressional Budget Office (CBO) has said that this alternative would only reduce prices by about one-half of the amount of the bipartisan plan. Additionally, government price controls would place the government in a greater position of determining which research companies conduct certain types of research, and I believe that would ultimately reduce the availability of new, more precise drugs.

I would add, that as a physician, I know how important it is that doctors work with their patients to find drugs that best serve the patients' needs and that are most affordable for the patients. For example, some of the more expensive drugs may be time-release drugs and only require that a patient take that drug once a day. On the other hand, there may be a considerably less expensive drug that a patient may have to take twice a day. It is important that doctors take the time to work with their patients to find the best drug treatment for their patient and consider that patient's physical and budgetary considerations. I have repeatedly done this in my practice.

In this nation we are very blessed. And the prescription drug plan that we are considering is indeed a demonstration of our bounty. It addresses this need in a manner that focuses the most effort to serving those with greatest need. It ensures that market forces, not government price controls and mandates—which have always lead to poor quality and inefficiency—are the mechanisms employed to help keep costs down. It ensures that those who currently have coverage are not forced to pay for something they do not need. And, it works in such a way that will lower drugs costs for all seniors.

Finally, to those who would argue that we should have a government run prescription drug plan, I would only point out one of the latest battles in Medicare. Since Medicare was established it has been required that a physician supervise a nurse anesthetist who may be administering the anesthesia to a senior. Over the past decade, the nurse anesthetists have put on a massive lobbying effort to urge Medicare to remove the physician supervision requirement and allow nurse anesthetists to work unsupervised. On June 27, a peer reviewed medical study was released showing that when administering anesthesia in the absence of an anesthesiologist (a physician), the loss of life was 2.7 per thousand greater than it would have been under the supervision of an anesthesiologist. The Administration, which sets the rules for Medicare, is in the process of removing this supervision requirement. Any argument that seniors are better off with a government mandated system is severely undercut by this recent action by Medicare and should give us all pause at such a prospect.

I say let's pass this bipartisan bill. Let us move forward with a plan that does meets seniors needs. It is too important to our seniors to allow politics to stop this legislation.

COMMENDING UPLAND CHRISTIAN SCHOOL

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. GARY MILLER of California. Mr. Speaker, I rise to commend Upland Christian School, of Upland, California, on its recent accreditations.

For over two decades, Upland Christian School has based its classes on the premise that the Bible is the literal truth. In addition to teaching the typical courses, such as English, math, and history, Upland Christian School has taught that there are absolutes in the world. This combination of religion within academia has attracted a steady increase in enrollment, from a handful of students to its current enrollment of 650 students.

In addition to celebrating the graduation of its third senior class, Upland Christian School can now boast of its accreditation by the Association of Christian Schools International and the Western Association of Schools and Colleges. Neither accreditation is an easy feat; both require arduous curricula reviews and proof that the school is meeting stringent standards.

The teachers, students, parents, school board members and administrators of Upland Christian School deserve high accolades for this achievement.

I commend Upland Christian School for its commitment to high standards, quality teaching, and its adherence to God's law.

PUBLIC SERVICE OF MAYOR TOM JELEPIS OF BAY VILLAGE, OH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor the public service of one of the best mayors from northeast Ohio's local communities. This year marks the last and final year of the term of Mayor Tom Jelepis of Bay Village, Ohio, a western suburb of Cleveland. Tom is choosing to pursue other challenges down the road, and this marks his final few months of public service as Bay Village's respected mayor.

The entire Bay Village community and the adjoining West Shore communities owe Tom a debt of gratitude. Thanks to Tom's remarkable ability to forge a consensus in resolving one of the most daunting threats to the Bay Village and West Shore quality of life, represented by the agreement reached in June, 1998 to halt the proposed tripling of train traffic following the acquisition of Conrail by CSX and Norfolk Southern railroads. When the announcement was made in August, 1997 that train traffic would likely be more than tripled through the quiet, densely populated communities along Cleveland's West Shore communities, Tom Jelepis was one of the first public officials to begin to forge a large bipartisan coalition to find a reasonable alternative, an alternative which would stop the train traffic increase and would preserve Bay Village's and the West Shore's attractive quality of life.

It was Tom's relentless perseverance, his ability to reach out to find common ground and consensus, and his enviable charm and wit that managed to bring people together to find a workable agreement that helped hundreds of thousands of local residents. Without Tom Jelepis' involvement, there would likely not have been a positive outcome, a result which halted the proposed tripling of train traffic and brought forward a plan beneficial to all parties and local communities. I had the pleasure to work side by side with Tom Jelepis throughout this challenging time, and I can say with confidence that he represents the very best in public service. His dedication, his sense of decency, and his sincerity is unmatched in public life.

There are very few people in public life—no, in all aspects of life—with Tom Jelepis' unique combination of charm, wit, perseverance, and grace. He is my friend, and I am proud that he is my friend. He is a natural, as a businessman, as a family man, as a community leader, and as a mayor. The entire Bay Village community owes him a genuine ''thank you'' for his many years of service.

I hold a deep and sincere respect for Tom Jelepis and I wish him the very best of luck in all his future endeavors.

IN HONOR OF BENNIE HOLMES, JR.

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Ms. PELOSI. Mr. Speaker, it is with great respect and sadness that I rise to honor the life of Bennie Holmes Jr., who passed away recently at too young an age. Mr. Holmes' leadership in the civil rights movement and as an anti-poverty activist earned him the respect of our entire San Francisco community; his caring heart and kind ways earned him our affection. Bennie's presence in the community can never be replaced, but the work of his life will live on after him.

Bennie was born and reared in McComb, Mississippi, and it was there that he learned the values of hard work, community, and his deeply rooted sense of justice. In the late 1950's, he moved to California, and in 1961 be graduated from Monrovia High School in Los Angeles County. He later moved to San Francisco and continued his education at San Francisco State University, where he earned a degree in Political Science.

Mr. Holmes worked much of his life for racial equality. He helped to found the N.A.A.C.P. Junior Chapter at Pasadena College in 1961. In 1964 he organized a group from San Francisco which joined the 1964 march for civil rights that went from Selma to Montgomery, Alabama. He fought continually for the cause of civil rights with the Congress On Racial Equality, the Student Nonviolent Coordinating Committee, and the National Association for the Advancement of Colored People and with such individuals as Martin Luther King, Jr. and James Farmer.

Dedicated to fighting poverty and improving the lives of low-income residents, Bennie worked most of his professional life with the Economic Opportunity Council of San Francisco. For the past thirty-three years, Bennie was employed by this nonprofit group in several different capacities. He organized and raised money for numerous anti-poverty programs in San Francisco and worked to clothe, feed, and find employment for the neediest among us. Known and trusted by everyone, Bennie was regarded as the ''eyes and ears'' of the community because he was always looking out for those in need.

Mr. Holmes also organized workshops at which tenants learned their rights when dealing with landlords, worked with youth groups, and chaired the Direct Action Committee and Study Group through which he traveled extensively in Africa, Europe, and the United States.

Well-regarded for his tireless community service, Bennie was also admired for his delicious barbecue ribs. At social and political events, he could always be found behind the grill, serving the community in yet another way.

Bennie Holmes left us much too soon. He worked his entire life for civil rights, equal opportunity, and economic and social justice. He treated everyone with respect, and he was respected for doing so. His passing is a loss to all of our San Francisco community.

My thoughts and prayers are with his mother, Leola Wells Holmes, his children, and his entire family.

IN HONOR OF THE 100TH BIRTHDAY OF OLIVE WHITMORE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to celebrate the 100th birthday of Ms. Olive Whitmore.

Ms. Whitmore, a native of Cleveland, is the oldest of 3 children. Her birthday, October 14, 2000, marks the 100th year of her active life. She lived in Cleveland for 76 years, which made her well known in her community. She holds the longest term as a member of the West Boulevard Christian Church, which she has belonged to since she was 3 years of age. Prior to her move to South Westerly in 1983, she was a charter member of the Order of Eastern Star and Electa. Her talented voice contributed to the choir under the direction of Charles Dawes of the ''Cleveland Orchestra.'' The choir was well recognized for their performance during the first 4th of July celebration at the Cleveland Municiple Stadium. Her former community fondly remembers her also for the time she was employed helping customers in Halle's Department store between 1957 and 1970. After her retirement she continued her active lifestyle, and became a noted traveler, traveling to Nova Scotia and throughout the United States.

Olive Whitmore is a cherished treasure for her family, friends, and community. Her spark, friendly smile, kindness and caring for others has touched countless Clevelanders who have had the honor of knowing her. Olive is a young 100, demonstrating that one's positive attitude and perseverance throughout one's life can carry you a long, long way. Olive Whitmore is loved by many.

My fellow colleagues, please join me in honoring Ms. Olive Whitmore on this momentous occasion of her 100th birthday.

''TRIAL'' OF IRANIAN JEWS IS A CASE OF RELIGIOUS PERSECUTION

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. LANTOS. Mr. Speaker, I rise today to express outrage over the sentences handed down on July 1st in Iran against ten of thirteen Iranian Jews who were recently put on trial in that country. These people, who were charged with the crime of practicing their religion, were unfairly imprisoned for over a year while waiting for the Iranian government to conduct its trial. Now they have been found guilty in a sham legal proceeding.

The trial—if it can be called a trial—was political intimidation not a judicial proceeding. This is a court with no jury, and one which holds its trials behind closed doors with the ''judge'' serving as both prosecutor and judge. The defendants were not able to choose their own representation in court.

Furthermore, the thirteen individuals were not even indicted on the original charges that were brought against them. Originally the thirteen were arrested for teaching Hebrew and holding religious classes, and on these charges they were detained for over a year before being tried by the Iranian Revolutionary Court. It is significant that after detaining these innocent people on these trumped up charges for over a year, the Court was unable to provide any evidence other than the coerced confessions of the detainees.

Mr. Speaker, I also wish to call the attention of my colleagues in the Congress to the actions of President Clinton, Secretary Albright and other Administration officials, as well as

other governments who successfully pressured the Iranian government to hand down jail terms instead of death sentences. Since the Islamic revolution in 1979, seventeen Jews have been executed, and if not for the forceful action of the White House, the Department of State, and other governments, that number would surely now be twenty-seven. While I want to express appreciation for these actions, I urge our Administration and other governments to maintain continued pressure to urge the Iranian government to overturn this decision of the Revolutionary Court and free these wrongly imprisoned victims.

IN HONOR OF DAVE GRESKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Dave Gresky, co-captain of the baseball team at St. Ignatius High School in Ohio. Dave has been selected by the Cleveland Plain Dealer as a member of their All-Star baseball team for the Spring 2000 season. In addition to this considerable honor, Dave Gresky was chosen as the MVP of the All-Star team as well.

As a co-captain of the St. Ignatius Wildcats, Dave Gresky led the team to a 25-6 record, and to their first appearance in a state championship baseball game. Gresky batted .452 during the regular season as a senior right fielder, and he set single season records in three categories for St. Ignatius with 50 hits, 10 home runs, and 51 runs batted in. His notable contributions to the team earned him a baseball scholarship to Northwestern University. In addition, Gresky was selected by the Florida Marlins in the 22nd round of the amateur draft in June.

Dave Gresky's athletic accomplishments do not end on the baseball diamond, however. He also led the St. Ignatius Wildcats football team to a record eighth Division I state title when he scored the clinching touchdown in the championship game.

Recognition by the Cleveland Plain Dealer of Dave's accomplishments is an amazing honor because it acknowledges the hours of sacrifice and patience needed to cultivate stamina and perseverance, as well as excellence in teamwork and cooperation. More importantly, I am inspired by his motivation, poise, and good sportsmanship on and off the playing field. Clearly, he is the quintessential model of grace under pressure. He is truly remarkable. I know that Dave has much to offer. I look forward to offering more congratulations to this promising athlete in the future.

My fellow colleagues, please join me in honoring Dave Gresky, an impressive right fielder and dedicated young athlete, for his outstanding achievements in sports.

MEMORIAL TRIBUTE OF THE HONORABLE JOE A. GONSALVES

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mrs. NAPOLITANO. Mr. Speaker, it is with deep sadness that I announce the passing of my very dear friend and colleague, the Honorable Joe A. Gonsalves, former Member of the California State Assembly representing the 66th Assembly District which includes several of the cities and communities in my 34th Congressional District. Mr. Gonsalves died Friday, July 7, 2000 at his Gold River, California home.

Joe A. Gonsalves was a true exemplification of the fulfillment of the American ideal and the California dream. The son of Joaquim and Elvira Gonsalves, Portuguese Immigrants from the island of Terceira in the Azores, Joe was born on October 13, 1919 in Holtville, California. From the humblest beginnings in the farming region of the Imperial Valley, the Gonsalves family moved first to Whittier, then settled in Artesia, where they began the first of several dairy farms. In time, each Gonsalves son would own and operate his own dairy farm and through dint of hard work and steady growth, would become the basis of the families prosperity. Joe attended local schools and graduated from Excelsior High School in Norwalk, California. The Gonsalves family were among the founders of Holy Family Catholic Parish and Our Lady of Fatima Catholic School in Artesia.

When the new City of Dairy Valley, later to become the City of Cerritos, was incorporated in 1958, Joe Gonsalves was elected to the first City Council and served two terms as Mayor. When a new legislative district was formed in Southeast Los Angeles County following the 1961 reapportionment, Joe A. Gonsalves won election to the California State Assembly in the 1962 General Election, becoming the first legislator ever elected from Portuguese descent. When all but a small handful of state legislators were part-timejoe Gonsalves sold his dairy interests and became a Full-Time Legislator and moved his family north to the state Capitol in Sacramento. There he began to build a remarkable record of achievement during California's golden era of growth and progress.

Serving with political titans including legendary Speaker Jesse M. Unruh and Governor Edmund G. ''Pat'' Brown, Joe Gonsalves authored landmark legislation including the law that created a more equitable configuration of the state's important dairy industry benefiting the independent farmers. His diligence, skill and personality were rewarded with his appointment as Chairman of the powerful Assembly Rules Committee, Joint Committee on Rules, and later the Revenue and Taxation Committee. His leadership on the State Allocation Board and the Assembly Education Committee produced substantial increases in funding for local school districts.

Following his distinguished service of twelve years in state office, Joe began the third chapter of his professional career by establishing his own company to provide professional legislative representation. He soon became one of the Capitol's most highly respected and influential lobbyists. Later, he was joined by his son Anthony D. Gonsalves in the firm that would be called Joe A. Gonsalves & Son. The Gonsalves lobbying firm represented a blue chip roster of interests including the Port of Long Beach, the Del Mar Thoroughbred Club, the Oak Tree Racing Association, the California Dairymen's Association, the Portuguese government, and over forty incorporated California cities. The firm expanded to include a third generation of Gonsalves advocates when Joe's grandson Jason Gonsalves joined the company.

Mr. Speaker, I am proud and honored by the wonderful friendship I enjoyed with this unique and outstanding gentleman. He was a wise and trusted advisor to me during my service as a City Councilwoman, Mayor and Member of the California Assembly. Joe Gonsalves was a real friend to countless people from all walks of life. He was a true role model for everyone who aspires to the highest levels of honesty, decency, loyalty and integrity in a profession that has seen all too little of these qualities.

Above all Mr. Speaker, Joe A. Gonsalves never forgot from whence he came. He was a great man with a common touch. He will be sorely missed by all who knew him and cherished his friendship. Preceded in death by his first wife Virginia, Joe Gonsalves is survived by his wife Jerry Farris Gonsalves and by his nine sons and their spouses, Robert, James & Ruth, Joe & Mary, Jack & Debt, Frank & Theresa, Anthony & Evelyn, David & Josephine, Tim & Stephanie, John Kennedy & Julie Gonsalves. He is also survived by two step children Jerry Farris & his wife Shirley and Terry Farris, his sister Mabel Gonsalves, three brothers Jack, Bennie and Frank Gonsalves, 28 grandchildren and eight greatgrandchildren.

On behalf of my husband Frank, my family, my Chief of Staff Chuck Fuentes, (whose own father Bob Fuentes served as Joe's Administrative Assistant during most of his legislative career) and the citizens of the 34th Congressional District and the Southeast Los Angeles communities, I extend our heartfelt condolences to the entire Gonsalves family. Joe A. Gonsalves was a proud and patriotic American and a great Californian!

IN HONOR OF MICHELLE SIKES

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Michelle Sikes, a member of the track and field team at Lakewood High School in Ohio. Michelle has been selected by the Cleveland Plain Dealer to be a part of their All-Star Girls Track Team as the distance runner for the Spring 2000 season.

Michelle has demonstrated exceptional athletic ability and tremendous commitment to her sporting activities. This past Spring season, Michelle has become an integral part of Lakewood High School's track and field team. As a first time runner, she won the 3,200 meter race at the state meet with a time of 10 minutes, 45.11 seconds, making it the best time in the event in her area. In addition, she was the area's highest finisher in the 1,600 meters. Her time was 4 minutes, 53.95 seconds. These impressive times mirror Michelle's commitment to responsibility. Her strong faith and belief in her abilities has enabled her to become one of the finest athletes in northern Ohio.

Recognition by the Cleveland Plain Dealer of Michelle's accomplishments is an amazing honor because it acknowledges the hours of sacrifice and patience needed to cultivate stamina and perseverance, as well as excellence in teamwork and cooperation. More importantly, I am inspired by her motivation,

poise, and good sportsmanship on and off the playing field. She is the quintessential model of grace under pressure. Yet, despite the hard work and competition, Michelle views everything as a new and exciting experience. Although Michelle is only a freshman in high school, I am impressed by such optimism and devotion. She is truly remarkable. I know that Michelle has much to offer. I look forward to offering more congratulations to this promising athlete in the future.

My fellow colleagues, Michelle Sikes is an outstanding and inspirational individual. Please join me in honoring her notable accomplishments and achievements in track and field.

IN HONOR OF MARC SYLVESTER

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in tribute to Marc Sylvester, a member of the boys track and field team at St. Ignatius High School in Ohio. Marc has been selected by the Cleveland Plain Dealer as a part of their All-Star Boys Track team as the middle distance runner for the Spring 2000 season.

Marc has demonstrated exceptional athletic ability and tremendous commitment to his sporting activities. This past Spring season, Marc Sylvester has become an integral part of St. Ignatius High School's track and field team. He ran the 800 meters, leaving opponents far back, and ran anchor for the 4x800 and 4x400 relays. In the Division I Relays at Amherst Steele, he set the record for the fastest 800 meter race ever run by an Ohio high school athlete. His time was I minute, 49.50 seconds. Such accomplishments are outstanding, and I commend him for his devotion and commitment. Unfortunately, two days after regionals, Marc suffered a partially collapsed lung and was held out of the state meet. But Marc's sterling track career has not ended with this setback. While it was disappointing not running at the state meet, Marc is feeling much better and is now working towards winning the National Outdoor Championships in Raleigh, North Carolina. Marc's strong faith and belief in his abilities has enabled him to become one of the finest athletes in northern Ohio, and perhaps the nation.

Recognition by the Cleveland Plain Dealer of Marc's accomplishments is an amazing honor because it acknowledges the hours of sacrifice and patience needed to cultivate stamina and perseverance, as well as excellence in teamwork and cooperation. More importantly, I am inspired by his motivation, poise, and good sportsmanship on and off the playing field. Marc is the quintessential model of grace under pressure. I am impressed by such optimism and devotion. He is truly remarkable. I know that Marc has much to offer. I look forward to offering more congratulations to this promising athlete in the future.

My fellow colleagues, Marc Sylvester is an outstanding and inspirational individual. Please join me in honoring his notable accomplishments and achievements in track and field.

PERSONAL EXPLANATION

HON. JIM DeMINT

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. DEMINT. Mr. Speaker, on July 10, 2000 I was unavoidably detained and was not present for six rollcall votes. Had I been present, I would have voted ''aye'' on rollcall votes No. 373, No. 374, No. 375, No. 376, No. 377, and No. 378.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. SHERWOOD L. BOEHLERT

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes:

Mr. BOEHLERT. Mr. Chairman, I rise in support of this amendment which will strike damaging language and replace it with more sensible policy.

The language this amendment strikes would have crippled the nation's ability to discuss and advance reasonable measures that would protect the environment in the most economically efficient way.

The language would have blocked all government work on carbon emissions trading—all work, including discussion and analysis—even though corporations increasingly are embracing such trading and have entered into voluntary programs to engage in it. Carbon trading is the most economically efficient way to reduce greenhouse gas emissions; if we don't do the work to develop it now, we will be left with no tools other than command and control to limit carbon, if we choose to impose limits in the future.

Similarly, the Clean Development Mechanism that the bill language would have blocked is an economically beneficial way to attack greenhouse gas emissions in the developing world. The Mechanism will encourage the sale of American-made clean technologies in the developing world. Why on Earth would we want to discourage something that helps other nations implement their own climate change policies while creating business for our own companies and workers?

I am pleased that so many people in industry and the Congress, from all points of the political spectrum, recognized the folly of this language.

The language the amendment would substitute is far from ideal, but it is moderate language that has been signed into law in past years.

But as someone who encouraged this strike and replace amendment, let me make clear my interpretation of what the amendment language says. The amendment prohibits the proposing or issuance of rules related to Kyoto. It does not prohibit the development of policies; it does not prohibit the discussions of policies in the U.S. or abroad; and it does not prohibit activities designed to carry out the Rio agreement on carbon dioxide, which was signed by President Bush and ratified by the Senate.

In other words, the United States, under this language, can send representatives to international conference to discuss carbon trading or the Clean Development Mechanisms, can help other nations develop such policies, can undertake activities to figure out how such a policy would be implemented here. All that is being prohibited is the actual implementation of such policies; anything up to the point of proposal and issuance may continue.

This amendment would not have the broad support it is receiving if Members believed in the cramped interpretation put forward by some of its proponents. The amendment means what it says on its face; it should not be interpreted in fanciful ways by those who were unsuccessful in getting more restrictive language approved.

I hope future appropriation bills with this language will include the report language from the fiscal 1999 VA–HUD conference report, which provides the clearest, more accurate interpretation—which is that this amendment blocks activities that are solely related to implementing the Kyoto Protocol.

And so, with that in mind, I urge support for the amendment.

PERSONAL EXPLANATION

HON. CASS BALLENGER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. BALLENGER. Mr. Speaker, yesterday, I regret that I missed Rollcall votes 373, 374, 375 and 376 to the fiscal year 2001 Agriculture, Rural Development, Food and Drug Administration, and related agencies appropriations bill (H.R. 4461). My flight from Charlotte was delayed due to threatening weather.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mrs. MYRICK. Mr. Speaker, I was unavoidably detained during the following votes. If I had been present, I would have voted as follows:

Rollcall vote 373, on the Coburn amendment to H.R. 4461, I would have voted ''yea.''

Rollcall vote 374, on the Royce amendment to H.R. 4461, I would have voted ''yea.''

Rollcall vote 375, on the Crowley amendment to H.R. 4461, I would have voted ''yea.''

Rollcall vote 376, on the Royce amendment to H.R. 4461, I would have voted ''yea.''

Rollcall vote 377, on the Coburn amendment to H.R. 4461, I would have voted ''yea.''

Rollcall vote 378, on the Sanford amendment to H.R. 4461, I would have voted ''yea.''

PERSONAL EXPLANATION

HON. RICHARD BURR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. BURR of North Carolina. Mr. Speaker, I regret that I was unavoidably detained last

night and missed rollcall vote No. 373. Had I been present I would have voted ''aye.''

THE AMERICAN DREAM CHALLENGE

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. FRANK of Massachusetts. Mr. Speaker, from time to time I have expressed here my great admiration for the American Dream Challenge, a very creative effort to help raise funds for young people to pay for college. This program was originated by Dr. Irving Fradkin of Fall River, Massachusetts, and he continues after many years of hard work to be a dedicated parent to this program. Long before it became fashionable, Dr. Fradkin understood the importance of trying to make sure that every young person had the financial means to pursue a college education, and he is justly and widely respected in the Greater Fall River community for this commitment. Dr. Fradkin understands that it is important to instill the desire for higher education early, and so his program begins with students in the fourth grade, and works at various points throughout their education in this regard.

Mr. Speaker, I submit two articles which testify to the power of Dr. Fradkin's ideas and of his work to be printed here, so that other communities may benefit from knowing of this example and, I hope, emulate it.

The first document is a letter from Susan Lanyon who teaches fourth grade at the Wiley School. The second is an excellent article from the Durfee Hilltop, by Renee Tessier. The Durfee Hilltop is the newspaper of Durfee High School, the public high school in Fall River.

AMERICAN DREAM CHALLENGE IS INSPIRING

(By Susan Lanyon, fourth-grade teacher, Wiley School, Fall River)

Twenty-seven years ago I had three reasons for entering the teaching profession: I loved learning and longed to share that joy, I had a deep love for children, and I wanted to make a difference in the lives of young people.

I still feel the same way today, but now there's a program that helps me to make that difference. It started in 1994 and it's called the American Dream Challenge.

Thanks to Dr. Irving Fradkin, I now have the pleasure of including this scholarship program in my fourth-grade agenda. I have learned that its benefits are immeasurable; it not only affects the scholarship winners, it also has an effect on every child, as together we take a special moment to share deep thoughts about the future benefits of a sound education.

I have become deeply aware that 9 and 10-year-olds do have high hopes and dreams that are worthy and sincere. This has become one of my many regards of teaching, the joy of listening to their ideas

The American Dream Challenge begins when I take a minute to share my thoughts with my students about how special my college education is to me. They catch my enthusiasm and the dreams begin!

Then Dr. Fradkin and the Rev. Robert Lawrence, another true friend of education, often make a visit, and speak further with them, telling these precious fourth-graders exactly how special they are.

They also convince them that they can become anything their hearts desire with only two things needed—the right attitude and a proper education.

Their eyes light up, and the seeds are planted!

Next, we return to our writing class and brainstorm as a team. Now we have to decide exactly what is meant by titles such as these: ''Education—Key to My Future,'' or ''How My Education can Help Me Become a Better American Citizen.'' ''The ideas flow!

Let me share with you just a few of the thoughts that have developed:

''I can learn more about other cultures so I can learn to respect others better.''

''I can discover cures for diseases that have taken away those that I love.''

''I can learn more about how to resolve conflicts in a peaceful way.''

''I can become a teacher so I can teach others to learn the importance of being educated.''

As you can see, there are no losers in this essay contest. The writing alone of this essay produces thoughts never shared before.

The next step is the judging—a difficult task.

My principal and I choose and submit the three best essays and the three finalists anxiously await the results. In April, the winner is declared. The culmination is an awards ceremony in May, where at least 50 delighted students and their families arrive in their Sunday best, glowing in the aura of success.

These children will never be the same after this day! They have become special young ladies and gentlemen, filled with hope and promise.

I have now had six scholarship winners and I only wish you could see what this award has done for each of them.

I have seen shyness replaced by confidence, academic potential replaced by academic success, and apathy replaced by a desire to learn.

Of course there have also been the students that were already on the right path, who now have an incentive to remain there.

An added gift is the endless support given the recipients from their schools, families, friends and community leaders. There's nothing more beneficial to a child than knowing that people are proud of them. It is so true that it ''takes a village'' to properly raise a child.

A Wall of Fame now exists in my classroom. It lists the names of all my American Dream Challenge Scholarship winners. These students serve as role models to my present students, thus continuing the cycle of hopes and dreams for all.

Who would have believed that children so young could dream such dreams?

I can assure you that they do, and they need us to help make them come true.

[From the Durfee Hilltop, Apr. 2, 2000]

FOURTH GRADERS WIN THE AMERICAN DREAM SCHOLARSHIP

(By Renee Tessier)

''Children are the future; teach them well and let them lead the way.'' A line from a popular song in the 80's, and also a good summary of the message sent by Dr. Irving Fradkin at the ceremony last Sunday held for the 7th annual American Dream Challenge awards.

Students in the fourth grade from the Fall River Public, Catholic, and Charter schools attended an awards ceremony on Sunday, April 2nd to receive a scholarship certificate and congratulations for a job well done. These students, who are only 9 and 10 years old, were challenged with the task of writing a one page essay on ''Why I'm going to be a better American because of my education.'' Each class of fourth graders sent three or four essays chosen by their teacher to be entered into the contest. Then, one essay from each class was picked by a panel of judges. Each student received a $100 scholarship which will be issued after high school graduation and can only be redeemed for the purposes of a higher education. They can also expand their scholarship by entering the American Dream Challenge Essay Contest again in the 6th, 8th, and 10th grades. If all contests are won, a student can earn up to $1,000.

The kids also helped in recognizing their teachers for their help. Proclaimed as ''Unsung Heroes,'' Dr. Fradkin and Senator Joan Menard congratulated teachers and principals for helping in the up bringing of such fine young people, and thanked them for their commitment to the students. Dr. Fradkin is quoted as saying, ''Without teachers, we wouldn't have a successful country.''

To further emphasize the importance of education, adult sponsors who made a difference in the Fall River area wrote essays of their own.

They wrote on the subject of their own lives and how education made them what they are today. Senator Menard, Mayor Lambert, and Reverend Lawrence were just a few of the participating sponsors.

Every student was set up with a sponsor and they traded essays.

The hope was that not only would the student learn from the adult, but that the adult would also learn from the student.

The students were also able to hear the point of view of Dr. Odete Amarelo, a co-chair person for the contest, and Dr. Peter Gibbons of Harvard University.

Dr. Amarelo compared a child's negative point of view to a pair of ''wrong prescription'' glasses.

She explained that sometimes kids look at things in a negative way and don't see the whole picture. They need to learn to believe in themselves. ''All you need is to find the right lenses.''

Dr. Gibbons, who was inspired by Fall River to write a book about local heroes, explained the importance of having heroes and teachers.

Someone to look up to is something every child needs. ''Everyone needs a coach, a teacher, a hero.''

Leaving with knowledge that ''they can do anything in this world'' given to them by Senator Menard, the kids look like they are well on their way to bright futures.

Hopefully they will continue their education as far as they are allowed and were inspired by the people that worked so hard for their benefit.

The ''Scholarship City'' is the birthplace of a phenomenon: mentors and students coming together to improve education around the country.

The influence of these inspired people giving back to the community is just the start of a new wave of greatness that will in turn create a better future for us all.

PERSONAL EXPLANATION

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. TAYLOR of North Carolina. Mr. Speaker, due to flight delays, I was unavoidably detained in North Carolina yesterday and unable to cast a vote on rollcall votes 373 through 378. Had I been present, I would have voted ''yea'' on rollcall vote 373, ''yea'' on rollcall

vote 374, ''yea'' on rollcall vote 375, ''no'' on rollcall vote 376, ''yea'' on rollcall vote 377, and ''no'' on rollcall vote 378.

THE PASSING OF A GREAT PUBLIC SERVANT: JAMES C. KIRIE

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. HYDE. Mr. Speaker, on June 19th of this year my dear friend James C. Kirie died. He was 89 years old and had lived a full and productive life of service to his community, his State and Nation.

The Chicago Sun-Times printed the following article about Jim's life:

[From the Chicago Sun-Times, June 20, 2000]

JAMES KIRIE; FIRST HELD OFFICE AT 21

(By Curtis Lawrence)

For nearly 70 years, Leyden Township Democratic Committeeman James C. Kirie did what was seemingly the only thing he knew to do—commit his life to public service.

''If I had my life to do over again, and I was to weigh my life against being in politics or not being in politics, I think I would do exactly what I did,'' Mr. Kirie once told the late University of Illinois at Chicago Professor Milton Rakove.

Mr. Kirie died Monday morning at Evanston Hospital, two weeks after he was stricken by a heart attack. He was 89.

The son of Greek immigrants, Mr. Kirie dropped out of high school to work in his family's River Grove restaurant. During the Great Depression, he resumed his education and graduated from Leyden High School, then later enrolled at Elmhurst College.

Seeking a way to earn money for tuition, Mr. Kirie applied to run for village clerk in River Grove. He was nominated and elected in 1932.

''I was only 20 and had to wait until my 21st birthday to take office,'' he told Sun-Times columnist Steve Neal in 1991. ''If I hadn't needed a job to pay for my college expenses, I doubt if I would have entered politics.''

In addition to his position as the Democratic committeeman, he was the president of the 25th Avenue Building Corporation, and was investment officer of the Cook County Circuit Court clerk when he died.

During the 1930s, Mr. Kirie fought organized crime by closing down brothels and gambling establishments. After the Japanese attack on Pearl Harbor, Mr. Kirie was among the first elected officials to enlist in the Army. He took part in the Normandy invasion.

In the 1950s, after testifying before a U.S. Senate rackets committee, Mr. Kirie's home and the restaurant he owned were bombed. He later sponsored legislation for a state wiretapping law.

Mr. Kirie was slated for the Metropolitan Sanitary District, now the Metropolitan Water Reclamation District, in 1970. He served three six-year terms.

He was a major sponsor of the metro Chicago's Deep Tunnel project. In 1991, the water reclamation plant in Des Plaines was named in his honor.

Mr. Kirie is survived by two daughters, Barbara Kirie Stewart and Circuit Court Judge Dorothy Kirie Kinnaird, and two grandchildren, James Burke Kinnaird and Katherine Anne Kirie Kinnaird.

Mr. Speaker, Jim will be missed by his loving family and by his countless friends and admirers, among whom I am proud to count myself.

PERSONAL EXPLANATION

HON. JAMES H. MALONEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. MALONEY of Connecticut. Mr. Speaker, I was detained during rollcall vote #373. Had I been present I would have voted ''No'' on roll call #373.

I was detained during rollcall vote #374. Had I been present I would have voted ''No''.

I was detained during rollcall vote #375. Had I been present I would have voted ''Yes''.

I was detained during rollcall vote #376. Had I been present I would have voted ''No''.

I was detained during rollcall vote #377. Had I been present I would have voted ''Yes''.

I was detained during rollcall vote #378. Had I been present I would have voted ''No''.

In each case, my vote would have been on the prevailing side.

PERSONAL EXPLANATION

HON. CHARLES W. ''CHIP'' PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. PICKERING. Mr. Speaker, I was unavoidably detained and missed the following Rollcall Votes.

(1) Rollcall Vote Number 320, H.R. 4690. Had I been present, I would have voted ''no''.

(2) Rollcall Vote Number 321, H.R. 4690. Had I been present, I would have voted ''no''.

PERSONAL EXPLANATION

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. CHAMBLISS. Mr. Speaker, on Monday, July 10, 2000, I was unavoidably detained due to inclement weather and therefore unable to be present and to cast votes. Had I been present, I would have voted ''yea'' on rollcall vote 373, ''no'' on rollcall vote 374, ''yea'' on rollcall 375, ''no'' on rollcall vote 376, ''yea'' on rollcall vote 377, and ''no'' on rollcall vote 378.

PERSONAL EXPLANATION

HON. SUE WILKINS MYRICK

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mrs. MYRICK. Mr. Speaker, due to the weather, I was unavoidably detained during the following votes. If I had been present, I would have voted as follows:

Rollcall vote 373, on the Coburn amendment to H.R. 4461, I would have voted yea.

Rollcall vote 374, on the Royce amendment to H.R. 4461, I would have voted yea.

Rollcall vote 375, on the Crowley amendment to H.R. 4461, I would have voted yea.

Rollcall vote 376, on the Royce amendment to H.R. 4461, I would have voted yea.

Rollcall vote 377, on the Coburn amendment to H.R. 4461, I would have voted yea.

Rollcall vote 378, on the Sanford amendment to H.R. 4461, I would have voted yea.

MOBILE TELECOMMUNICATIONS SOURCING ACT

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Ms. ESHOO. Mr. Speaker, I rise in favor of H.R. 4391, the Mobile Telecommunications Sourcing Act. This legislation simplifies and modernizes a confusing web of contradictory tax codes involving wireless communications primarily by giving a common locus for taxation purposes.

It is the result of the outstanding work by state and local government representatives, in conjunction with members of the telecommunications industry. It will reform confusing tax laws involving the state and local taxation of wireless phone services. While I regret that the Commerce Committee did not have a more active role in this floor discussion, I am pleased that this legislation creates a uniform procedure for deciding where wireless services occur for purposes of taxation.

The representatives from state and local governments along with members of the telecommunications industry should be complimented for the work they have done in helping to develop this legislation. They were faced with many of the same issues that confronted the Advisory Commission on Electronic Commerce—numerous conflicting tax jurisdictions, strong industry interests, state and local revenue needs. Yet, after two years of extensive discussions and negotiations, these groups were able to come together and resolve the problem—whereas the ACEC failed to reach a similar consensus on Internet taxation.

Mr. Speaker, I hope the various groups who seek to solve the Internet tax issues will see that good legislation that solves complicated fiscal issues can be accomplished with hard work and good faith efforts. The legislation before us today shows that a solution is possible which is acceptable to both members of the industry and taxing authorities—and which benefits the consumer.

I urge a strong ''yes'' vote on this legislation and I hope it will serve as a model for addressing similar issues in the future.

DECLARE INDIA A TERRORIST STATE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. TOWNS. Mr. Speaker, on June 28, the Washington Times published an excellent letter from our friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, calling for strong action to end religious persecution in India.

The letter cited the recent incident in which a Hindu woman poured boiling oil on militant

Hindu fundamentalists who were attacking her tenant, a Catholic priest. The Hindu nationalists who carried out this attack are allies of the ruling BJP. It also refers to several other incidents, including the recent savage beating of some Christian missionaries, one so severely that he might lose his arms and legs.

The letter also made reference to a letter send by 21 members of this House in which we asked the President to declare India a terrorist state because of its reign of terror against Christians which has been going in full force since Christmas 1998, as well as its oppression of Sikhs, Muslims, and other minorities. Unfortunately, Mr. Speaker, it is not safe to be a minority in India.

India should be declared a terrorist state, its aid should be stopped, and the Sikhs of Khalistan, the Muslims of Kashmir, the Christians of Nagaland, and the other minorities of the subcontinent should enjoy self-determination. It is the responsibility of the Congress to speak out in support of these things.

I submit Dr. Aulakh's letter to the Washington Times for the RECORD.

[From the Washington Times, June 28, 2000]

OPPRESSION OF CHRISTIANS CONTINUES IN INDIA

(By Gurmit Singh Aulakh)

We commend the Hindu woman who poured boiling oil on militant Hindu fundamentalists who were attacking her tenant, a Catholic priest (''Hindu woman protects Christian priest,'' World, June 25). This is an act of religious tolerance, which is very rare in India these days.

Last week, a bipartisan group of 21 members of the U.S. Congress wrote to President Clinton asking him to declare India a terrorist state because of its oppression of Christians and religious minorities. They took note of the pattern of violence against Christians that has been going on since Christmas 1998.

Last month, four Christian missionaries who were distributing Bibles and religious pamphlets were beaten severely by militant Hindu fundamentalists. The beating was so severe that one of the victims may lose his arms and legs. In April, Hindu fundamentalists affiliated with the Rashtriya Swayamsevak Sangh, a pro-fascist organization that is the parent organization of the ruling Bharatiya Janta Party (BJP), attacked a Christian group and burned biblical literature. In March, a Sikh family saved a group of nuns whose convent had come under attack from Hindu fundamentalists. On Easter, a group of nuns who were going to Easter services were run down by Hindu fundamentalists on motor scooters.

Churches have been burned, prayer halls and Christian schools have been destroyed, nuns have been raped, and priests have been murdered by the militant Hindu nationalists advocating ''Hindutva,'' a Hindu culture, society and nation. Hindu fundamentalists chanting ''Victory to hannuman,'' a Hindu god, burned missionary Graham Staines and his two sons, ages 8 and 10, to death while they slept in their Jeep. The Indian government, led by the Hindu nationalist BJP, has not taken action to punish the persons responsible for any of these atrocities.

Christians are the primary targets of the militant Hindu nationalists, but they are not the only ones who are suffering. In March, 35 Sikhs were murdered in the village of Chithi Singhpora in Kashmir. India promptly blamed Kashmiri ''militants'' and killed five Kashmiris, claiming that they were responsible. However, two independent investigations have established clearly that the Indian government's counterinsurgency forces carried out this massacre. India has since admitted that the five Kashmiris the government killed were innocent.

The Sikhs who were murdered in Chithi Singhpora join more than 250,000 Sikhs who have been murdered by the Indian government, according to ''The Politics of Genocide,'' by Inderjit Singh Jaijee. In addition, the Indian government has killed more than 200,000 Christians in Nagaland, more than 70,000 Kashmiri Muslims and tens of thousands of Assamese, Manipuris, Tamils, Dalits (the dark-skinned ''untouchables,'' the aboriginal people of South Asia) and others. Tens of thousands of Sikhs are rotting in Indian jails as political prisoners without charge or trial.

This is nothing less than a campaign of terror designed to wipe out minority peoples and nations from the Indian subcontinent and achieve hegemony in South Asia. The United States should declare India a terrorist state because of these ongoing atrocities. It also should cut off American aid and trade to India and openly declare its support for self-determination for the minority peoples and nations of South Asia through an internationally supervised plebiscite on the question of independence. If India wants to be seen as a democratic nation and a major world power, it will stop its reign of terror against its minorities and allow them to exercise their democratic rights. Until then, America must hold India's feet to the fire.

PERSONAL EXPLANATION

HON. KEN LUCAS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. LUCAS of Kentucky. Mr. Speaker, because of unexpected storms, my airplane was delayed and I was unable to make the first two rollcall votes on Monday, July 10.

Had I been present, I would have voted ''aye'' on rollcall vote number 373 and ''nay'' on rollcall vote number 374.

PERSONAL EXPLANATION

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. TANNER. Mr. Speaker, last night my plane, Northwest Flight #858, was delayed in Memphis and I missed Rollcall votes 373–378. If I had been present, I would have voted as follows: Coburn—Roll Call Vote 373—No; Royce—Roll Call Vote 374—No; Crowley—Roll Call Vote 375—Yes; Royce—Roll Call Vote 376—No; Coburn—Roll Call Vote 377—Yes; and Sanford—Roll Call Vote 378—No.

PERSONNAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Ms. LEE. Mr. Speaker, on rollcall no. 373, Coburn amendment—no; 374, Royce amendment—no; 375, Crowley amendment—yes; 376, Chabot amendment—no; 377, Coburn amendment—yes; and 378, Sanford amendment—no.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes:

Ms. SLAUGHTER. Mr. Chairman, I rise in strong support of the Brown-Waxman-Slaughter amendment. My generation remembers all too clearly the scourge of infectious diseases. When we were children, surviving to adolescence could be a major challenge. Children ran a gauntlet of potentially fatal diseases against which doctors had few, if any, effective weapons—influenza, pneumonia, measles, and tuberculosis, to name just a few. For some of us, we relived those fears again with our children. I know that with my three daughters, I breathed a sigh of relief when each summer ended and they had again escaped contracting polio.

With the discovery of antibiotics, the world of health and medicine was transformed. Antibiotics were nothing short of a miracle. Just a few doses could banish these terrifying diseases from our and our children's lives, allowing the nation to become dramatically healthier in the space of scarcely a decade. Modern medicine had triumphed over disease, relegating these terrors to the medical history books.

Or so we thought. Today we know differently. Infectious disease microorganisms have evolved over millennia, and they can be ingenious in ensuring their own survival. The advent of antibiotics dealt them a setback, but only a temporary one. After only a few decades these microbes are showing us just how quickly they can adapt and render themselves impervious to some or all of the antibiotics in our health care arsenal.

As a former microbiologist, I am keenly aware of the critical challenge posed by antimicrobial resistance. In fact, I wrote my master's thesis on the misuse of penicillin. Many factors are currently contributing to antimicrobial resistance: overprescription of antibiotics, individuals' failure to take all their medication, lack of handwashing and proper hygiene, and the increased ability of people—and therefore microbes—to travel around the globe quickly. Just as this problem is multi-faceted, so must any solution be.

This amendment seeks to address one critical component of that problem: the use of antibiotics to boost livestock growth and production. Decades ago, farmers discovered that the use of antibiotics at very low levels caused animals to grow faster and bigger. The amount of antibiotics used were too low to

have any value in killing off infections in the animals. Over time, the practice of feeding antibiotics to livestock at ''subtherapeutic'' levels has become a common tool in the agriculture industry.

Unfortunately, this practice appears to be having an insidious side effect. Preliminary studies indicate that the bacteria in livestock may be developing an immunity to certain antibiotics as they are consistently exposed to these drugs at low levels. As the old saying goes, that which does not kill them makes them stronger.

This amendment would shift a very modest amount of funds within the Food and Drug Administration budget to the FDA's Center for Veterinary Medicine. With this funding, the Center could move more quickly on its top priority, assessing and preventing the growth of antimicrobial resistance related to livestock husbandry practices.

We must take action if we expect antibiotics to continue being effective in treating human ailments. None of us want to return to a day when a bout of pneumonia could easily mean a death sentence for one's child or parent. I urge my colleagues to support the Brown-Waxman-Slaughter amendment.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. JENKINS. Mr. Speaker, as a result of inclement weather delaying my arrival to Washington, I was not present for rollcall votes 373, 374, and 375. Had I been present, I would have voted ''aye'' on No. 373, ''no'' on No. 374, and ''aye'' on No. 375.

PERSONAL EXPLANATION

HON. VITO FOSSELLA

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. FOSSELLA. Mr. Speaker, I am not recorded on rollcall numbers 373, 375, 376, 377, and 378. I was unavoidably detained due to inclement weather, and therefore, was not present to vote. Had I been present, I would have voted ''yes'' on 373, ''yes'' on 375, ''no'' on 376, ''yes'' on 377, and ''no'' on 378.

IMF LOANS TO RUSSIA: WHAT HAVE THEY REALLY SUPPORTED?

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. GILMAN. Mr. Speaker, I would like to bring to the attention of my colleagues an op-ed article published in the ''Wall Street Journal Europe'' on June 8th by Mr. Boris Fedorov, a former Finance Minister in the government of the Russian Federation.

This article, entitled ''No More 'Help' for Russia, Please,'' paints a dismal picture of what has really been accomplished in Russia after the extension of more than $20 billion in low-cost loans to the Russian government by the International Monetary Fund. Average Russians have been disappointed and angered by what they see as the IMF's complicity in the vast corruption that has afflicted their country over the past decade. The Russian economy, propped up temporarily by a devaluation of the currency and the recent rise in oil prices, is marred by extensive poverty. Heathcare, education systems, highways deterioration.

What has happened to the $20 billion that the IMF has lent the Russian government over the past few years? Why has the Russian government failed, time and again, to meet its fiscal obligations to its own people, despite those IMF loans and the outright assistance provided to that government by the United States and other aid donors?

For one thing, the Russian government still insists on financing a ''superpower-sized army and bureaucracy'' that it cannot afford, as Mr. Fedorov states, and the rampant corruption in Russian government and industry is another important cause of the fiscal nightmare in that country. But Mr. Fedorov also points out the most important reason in the following words: ''Indeed, the pattern since Mikhail Gorbachev's time is unmistakable: reform talk followed by loans to underwrite reforms, followed by a collapse of the reform plans, followed by debt restructuring, more talk of reforms, more loans and so on. When lack of reforms is remunerated with new loans and debt write-offs, when the worst abusers of the current system live nicely off the spoils of what is effectively thievery . . . one starts having doubts about the message we get from the democracies of the West.''

Mr. Speaker, I strongly recommend this important article to those of our colleagues who are seeking to better understand just what has gone wrong in our policy toward Russia over the past decade. I submit the full text of Fedorov article be inserted at this point in the RECORD:

[From the Wall Street Journal Europe, June 8, 2000]

NO MORE ''HELP'' FOR RUSSIA, PLEASE

(By Boris Fedorov, former Finance Minister of Russia)

For the last 10 years, the debate about Western assistance to Russia has revolved, superficially, around the question ''to give or not to give.'' Despite all evidence to the contrary, the answer is always ''to give'' because this is seen as helping Russia. Thus for a decade, Russia is regularly dispensed a drug which never cures but keeps the patient in a vegetative state. And the drug habit is growing.

Who are the quacks? The list of names is familiar. The Clinton Treasury, the G–7, Michel Camdessus' IMF. Just days ago in Moscow, President Clinton reiterated his support for new loans to Russia. And U.S. Vice President Al Gore claims that Russia is a foreign policy victory. Why? Apparently because the current Russian government has released the country's umpteenth economic plan, which is considered to be ''good.'' Other people are naturally well-intended. Still others think that it is worth a billion per year to keep Russia quiet in military terms.

But the results are dismal. More Russians are anti-Western today than a decade ago. Russia is economically weaker than 10 years ago after all the IMF-sponsored reforms. We have more corruption and poverty than under communism, and too many citizens want to return to a time they see as having offered them a better life. The questions are, what have loans done for Russia and does the country really need new loans now?

The roughly $20 billion pumped into the Russian budget over the last decade have, in fact, had no positive effect whatsoever. This is not surprising, given the black-hole nature of the Russian budget. Money, being fungible, was misspent and ended up in the hands of a few well-connected people and in Western banks. Russian citizens definitely did not benefit from this ''assistance,'' judging by the pitiful state of healthcare, education, public security, roads and nearly every other public sector sphere.

TRADE SURPLUS

A country rich in natural resources with a trade surplus of $4 to $5 billion a month (not counting capital flight of similar proportions) does not really need IMF money. I've heard some argue that the loans to Russia were to small to have made much of a difference in any case. The IMF, they claim, may have acted cravenly in seeking to cover its own exposed positions by throwing good money after bad, but the loans were at worst wasteful, not harmful. They are wrong.

This view misses the corrosive impact that an IMF imprimatur had on government officials, the formulation of their economic plan and on international credit markets, which figured the IMF would assume a lender-of-last-resort function—in other words, the moral hazard that was created. An economic system in which corporate assets are routinely stolen, investors ripped off and the creditors deceived has been built with the help of Mr. Clinton and the IMF. This is a system that no Western politician would dare to advocate for his own country. Why do you impose it on us by underwriting it with your taxpayers' money?

We hear often these days about the booming Russian economy, cited as evidence of the success of Western policies toward Russia. The Clinton administration and IMF speak glowingly about how a new, democratically elected president has adopted an economic program that is much more liberal than its predecessors, and thus deserves more support. The new Russian government, however, is operating under a false sense of security, which is very much encouraged by the favorable remarks of Mr. Clinton and other Western leaders.

On closer examination, however, the new optimism about the economy is no more firmly grounded than it has been in the past. Economic growth is still behind pre-reform levels, and in large measure is due to higher commodity prices rather than an increase of investment and value added in the economy. Higher tax revenues are also cited as a sign that wealth is expanding. But revenues are actually lower in dollar terms. The government also cites better budget discipline, but this too is illusory, since much of the drastically depreciated expenditure was not indexed. There are more U.S. dollars under the mattresses of our citizens than the overall ruble money supply of Russia.

Is the Russian economy really reformed? Is productivity higher and corruption lower? Are structural reforms in progress? Does anybody believe that a country with an annual federal budget of $25 billion (less than America spends on its prisons) can really maintain a superpower-size army and bureaucracy?

The false sense of achievement and the new prosperity comes largely from the effects of the 1998 ruble devaluation combined with a high oil price. It has very little to do with economic reform. And still Mr. Clinton is in a hurry to say that America will support IMF loans to Russia because the economic

plan of the current government merits that support.

I am not saying that the Putin government's pronouncements on economic policy are bad. In fact, I am encouraged by much of what I hear. But I remember too well how past economic programs also featured liberal and enlightened reform plans that were later shelved in favor of the status quo.

SWEPT UNDER THE CARPET

Indeed, the pattern since Mikhail Gorbachev's time is unmistakable; reform talk followed by loans to underwrite reforms, followed by a collapse of the reform plans, followed by debt restructuring, more talk of reforms, more loans and so on. When lack of reforms is remunerated with new loans and debt write-offs, when the worst abusers of the current system live nicely off the spoils of what is effectively thievery—if not in legal terms since Russian law is inadequate—one starts having doubts about the message we get from the democracies of the West. Why reform anything in Russia if another IMF loan shipment is on the way and past scandals can be swept under the carpet?

I personally think that Mr. Putin should be given the benefit of the doubt. He cannot be blamed for past failures. Many of the ideas he has voiced have much in them. But only he can really change the course of events, and so far meaningful actions have been few. We do not know the full economic plan of the government. The jury is still out.

Rather than repeat the mistakes of the past, my recommendations for the West are simple. First, do not grant Russia concessions, but rather apply the rules as you would to any country. Western capital should flow to the private sector, not to the government. Only this will help to change the country, create jobs and increase efficiency. Second, money should be spent where it brings genuine return and where it will generate the kind of good-will that makes reform and democracy self-sustaining.

I imagine what might have been if that $20 billion in IMF money been spent on providing full time education for 200,000 Russian students in the West. My guess is that we would be living in a different country today.

TRIBUTE TO THE HONORABLE JOSEPH H. RODRIGUEZ

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ANDREWS. Mr. Speaker, I submit the following proclamation for the RECORD.

CONGRESSIONAL COMMENDATION

HON. ROBERT E. ANDREWS, U.S. HOUSE OF REPRESENTATIVES, FIRST DISTRICT, NEW JERSEY

Whereas, The Rutgers University School of Law-Camden, New Jersey and the First Congressional District of New Jersey commend and honor the Honorable Joseph H. Rodriguez for 15 years of distinguished service on the federal bench; and Whereas, United States District Court Judge Joseph H. Rodriguez embarked on his distinguished legal career immediately after graduating from Rutgers University School of Law where he was admitted to practice law and became a member of the bar of the State of New Jersey; and Whereas, in 1985, the President of the United States of America, President Ronald Reagan, nominated Judge Rodriguez to the federal bench in Camden, New Jersey where he has continued to establish a standard of excellence in the legal profession; and Whereas, over his distinguished legal career, Judge Rodriguez has received numerous awards recognizing him for his accomplishments which include his induction into the Rutgers University Hall of Distinguished Alumni in 1996; and Whereas, this Member of the 106th Congress recognizes Judge Rodriguez for his outstanding contributions to the legal profession where everyday of his legal career he has continued to render legal decisions fairly and upheld the law always in the interest of justice; and Whereas, Judge Rodriguez's exceptional achievements and constant efforts to create a positive difference throughout our communities serves as an inspiration for the legal profession and for the citizens of the United States of America.

Now therefore, Be it Known that the undersigned Member of the United States Congress, the Honorable Robert E. Andrews of the First Congressional District of New Jersey hereby commends and congratulates United States District Court Judge Joseph H. Rodriguez as he is recognized as the ''Gentleman Judge'' by Rutgers University School of Law for his outstanding accomplishments, and in honor of his legal achievements, hereby officially proclaims today, Wednesday, June 7, 2000 to be the Honorable Joseph H. Rodriguez Day throughout the First Congressional District of New Jersey.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. ROUKEMA. Mr. Chairman, this amendment would have eliminated funding for a proposed pilot program for non-needs based school breakfast pilot program.

Mr. Speaker, I am a strong supporter of child nutrition programs for needy families. There is undeniable proof that kids who start the day with a good breakfast learn the best. My record shows that I have supported school breakfast and school lunch, not to mention WIC. We must make sure that all appropriate and necessary funds are given to these important programs to help the nutritional needs of needy children and families.

Part of being a fiscal conservative is setting priority for important programs. School breakfast programs for needy children must remain a high priority.

CONGRATULATING MAJOR LEAGUE BASEBALL YEAR 2000 ALL-STAR GAME

HON. CARLOS A. ROMERO-BARCELO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ROMERO-BARCELO. Mr. Speaker, I would like to take a moment to congratulate the participants in tonight's Major League Baseball All-Star game. Each summer, the fans of our nation's pastime look forward to this game, which brings together the brightest stars of the sport. True to the American spirit, the starting line-ups for the game are selected by the millions of fans who follow the sport and take the time to choose the most deserving players to start at each position.

I want to note with special pride that seven of the players participating in tonight's game are Puerto Ricans. These players are Roberto Alomar of the Cleveland Indians, Carlos Delgado of the Toronto Blue Jays, Edgar Martinez of the Seattle Mariners, Jorge Posada and Bernie Williams of the New York Yankees, Jose Vidro of the Montreal Expos, and Ivan Rodriguez of the Texas Rangers, who was the leading vote recipient in the All Star balloting. I know I speak for all the U.S. citizens of Puerto Rico in expressing our great pride in the accomplishments of these players. That our island of 3.8 million people could produce such a large proportion of the players on the All-Star teams shows how strongly Puerto Ricans have embraced our national pastime.

In the spirit of the All Star game, I would be remiss if I did not take a moment to mention Roberto Clemente, the greatest of all the Puerto Rican All-Stars. Mr. Clemente is one of 20 legendary baseball players being honored in a new series of commemorative postage stamps, which were officially dedicated last week in conjunction with All Star Week.

Mr. Clemente is known in baseball circles as the first Hispanic-American selected to the Hall of Fame. But he will be remembered as much for his great humanitarian spirit as he is for his considerable baseball skills. Many of us will never forget that tragic day 28 years ago when Mr. Clemente lost his life in a plane accident while he was participating in a mission to aid victims of a devastating earthquake in Nicaragua.

Mr. Clemente's legacy has influenced an entire generation of baseball players in Puerto Rico, just as future generations of players will be inspired by the All-Stars participating in tonight's game.

Congratulations to all the players in the 2000 All-Star Game.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 10, 2000

The House in Committee of the Whole House on the State of the Union had under

consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes:

Mrs. MALONEY of New York. Mr. Chairman, I rise today against this amendment which will prohibit the FDA from testing, developing, or approving any drug that could cause an abortion.

I often come to the House floor to note that this would be the 147th vote on choice since the beginning of the 104th Congress. But this vote is about so much more than abortion. It is truly a chilling attack on biomedical research.

We are legislators, we are not scientists. Political mandates have no place in interfering with the FDA's sound and rigorous scientific drug approval process.

Approval of this amendment would be the beginning of a slippery slope where some Members of Congress hold the health of all Americans hostage. Allowing Congress to dictate which drugs the FDA can and cannot test could halt the process of testing drugs that have nothing to do with abortion.

The target of this amendment, mifepristone or RU–486, has potential uses for the treatment of breast cancer, endometriosis, and even glaucoma. In fact, this kind of drug—an antiprogestin—was originally being developed for its cancer treatment potential.

I tell you, if RU–486 was only a cancer treatment, this researcher would have won a Nobel prize, and I bet the drug would already have been approved. Instead, because of its pregnancy disruption use, the drug has been held hostage by the right wing.

If this amendment passes, it would prevent further testing of drugs such as mifepristone that have the potential to treat millions of Americans for other medical conditions.

Delaying this drug is not an option. Think of what this will do to women with fibroid tumors. Think of what this will do to seniors with glaucoma. Think of what this will do to people with brain tumors.

And even worse, there is a very dangerous precedent being set today. Even those who disagree about whether RU–486 should or should not be approved, should be highly concerned by the precedent being set by this outrageous amendment.

Congress established the Food and Drug Administration to be an independent agency to test and approve drugs and devices. We should allow them to do their work without interference from the Congress. Science, not abortion politics, should dictate the type of drugs the FDA tests.

I strongly urge a ''no'' vote on this amendment.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 2001

SPEECH OF

HON. DAN MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 29, 1999

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4461) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001, and for other purposes:

Mr. MILLER of Florida. Mr. Chairman, I was prepared to offer four amendments to this agriculture appropriations bill to highlight the absurdity of the US sugar program.

On Thursday, this Congress debated an amendment that would have limited the fleecing of taxpayers by the sugar program to $54 million. However, a point of order technically prevented a vote on that matter.

I did not proceed with the other three amendments in the interest of comity to move the legislative business of the House. However, I also did not offer because it became apparent that the defenders of the sugar program do not want to clear debate on the merits of the US sugar policy, they want to muddy the waters about what this sugar program is doing to consumers.

For example, as you look at the arguments of the defenders of the sugar program, they say that the price of sugar has gone down but the costs of soda has not. That is like saying the cost of sugar has gone down but the costs of cars have not. Sodas made in the United States do not use Sugar! Read, the label, they use high fructose corn sweeteners. They have not used sugar in the US for a while because the sugar prices are so high. They do use sugar in sodas in countries like Mexico. I am both deeply disappointed and slightly amused that the defenders of the sugar program continue to use ''soda'' in their arguments.

Another area of their attack is that this General Accounting Office study which revealed a consumer cost of $1.9 billion is flawed. They say the USDA even thinks their analysis is flawed. Well let's look at the real facts. The GAO said they were going to do this study. They solicited input from the USDA for help in developing a model. USDA refused. The GAO got independent economic experts to come up with a sound consensus model to gauge the costs. They asked USDA for comment about it, USDA refused. Instead, what USDA has done, is engage in 20/20 hindsight without helping the process. I am very frustrated by the blatant politics by the USDA and would hope they would be more helpful to future efforts. The GAO is a non-partisan fact finding agency. They carefully researched this program for months, they offered a chance to comment to interested parties including USDA and the sugar growers, they brought in outside academic experts and economists to review GAO's model. The fact remains that the GAO sent the economic model to USDA for review and USDA provided no substantive comments.

What my opponents would have everyone believe is that the carefully researched and inclusive report on sugar by the non-partisan, unbiased GAO is somehow flawed. But they would have you believe that the USDA, whose mismanagement of the program has already cost taxpayers $54 million this year and may costs up to $500 million by year's end, and the American Sugar Alliance whose members enjoy federal benefits of over $1 billion per year are the ones with the correct, unbiased opinion on the costs and impacts of the sugar program.

Furthermore, GAO has already responded to the criticisms they did receive in the appendix of this same report, and I would submit that portion of the report containing GAO's response for the record.

The negative environmental impacts of the federal sugar program are real, even though my colleagues on the other side of the debate choose to conveniently ignore this fact. Nowhere have these impacts been felt with such devastating effect as in my home state of Florida where federally subsidized sugar production has played a huge role in the destruction of the Everglades. I would like to submit for the record this letter from ''The Everglades Trust'' an environmental group concerned about the status and future of this American treasure. The Everglades Trust and other environmental groups recognize the sugar program's terrible environmental legacy and support efforts to reform the program.

Finally, I am amazed that the defenders of the sugar program fail to state why we can have a free market for corn, for cars, for toothpicks, for televisions, etc. but we can't have a free market for sugar. Their ''sky is falling'' logic only shows how desperate the big sugar growers are to preserve a program that costs consumers $1.9 billion a year, costs the taxpayers millions in direct spending, destroys the Everglades, sends US jobs overseas, and seriously undermines our free trade efforts.

I remain confident that this body will wake up and end the stupid sugar program, and submit the following into the RECORD.

THE EVERGLADES TRUST,
Islamorada, FL, June 28, 2000.

Hon. DAN MILLER,
102 Cannon Building, Washington, DC.

DEAR REPRESENTATIVE MILLER: When the FY 2001 Agriculture Appropriations legislation is considered by the House, we understand you will offer one or more amendments which involve the federal sugar program. We would strongly support an amendment to stop sugar purchases to boost market prices. By encouraging massive increases in sugar production in the Everglades Agricultural Area, the sugar program has caused immense damage to the Everglades. Boosting the already excessive market price for sugar will serve to make sugar's assault on the Everglades even worse. It is obvious, as the GAO has documented, that the sugar program forces consumers to pay far too much for sugar. To prop up sugar prices by huge purchases of sugar by the government is an outrageous use of Taxpayers' money and a continuation of the assault on America's Everglades.

Should you choose to offer an amendment to phase out or reform the existing sugar price support program, we would strongly endorse your effort. We believe the sugar program must be changed from the harmful price fixing scheme it is today. Congressman Miller, the sugar program has become a ''welfare'' program, and it is time to put a stop to it. We commend your courageous efforts to end a program which has cost the consumer and Taxpayers billions of wasted dollars and caused massive damage to the nation's Everglades.

Sincerely,

MARY BARLEY,
President, The Everglades Trust.

GAO COMMENTS

The following are GAO's comments on the American Sugar Alliance's (ASA) written response to our draft report dated May 5, 2000. Based on USDA and industry comments, we revised our model's final estimates to more fully account for certain transportation costs. As a result, cost and benefit estimates

referenced in ASA's comments do not reflect those contained in the final report.

1. We disagree that the methodology used in our 1993 report on the sugar program was flawed. Nonetheless, we developed a more comprehensive economic model for our current analysis, and while we acknowledge that no economic model completely depicts reality, we are convinced that our current model is methodologically sound and that the estimates yielded by our model are reasonable. In developing the model, we took a number of actions to ensure that it was methodologically sound. First, we contracted with a well-known expert in modeling the international trade of agricultural commodities and with a prominent agricultural economist to work with us in developing the model. In December 1999, we sent our proposed model to four outside academicians specializing in agricultural economics and international trade economics and revised the model in response to their comments. We also sent our proposed model to USDA for review at that time. However, USDA did not provide any comments. Furthermore, we asked two of the agricultural economists to review our final model and results before we sent our draft report to USDA, ASA, and the U.S. Cane Sugar Refiners' Association for comment.

2. We disagree with ASA's assertion that our findings are based on comparisons with a meaningless world price. In estimating the costs and benefits of the sugar program, our model compared baseline domestic and world sugar prices with an estimate of the domestic and world prices that would have been observed if the sugar program had been eliminated, other things being equal. Regarding the extent to which cost reductions would be passed through to consumers in the absence of the sugar program, the report presents two estimates showing how the benefits might be distributed based on two different sets of pass-through assumptions. We did not predict the extent to which cost reductions would be passed through to final consumers. See comments 4 and 5.

COMMENDING STUDENTS OF THE WENONAH SCHOOL

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ANDREWS. Mr. Speaker, today I rise to praise 15 tremendous students in Mrs. Tracy Clemente's class at the Wenonah School. Mrs. Clemente's class has done a magnificent job of excelling in their school work. This is a splendid group of children and I wish the best of luck and continued success to Phillip Anzaldo, Ashley Archambo, Kevin Barnes, Daniel Barton, Nicholle, Cesarano, Ashley Cuthbert, Davied D'Alesandro, Christopher Goldhill, Chloe Grigri, Shane McHenry, Stephen McNally, Drew Peters, Edgar Seibert, Rachel Sole, and Matthew Thompson.

HONORING THE 1999 GOVERNOR'S EMPLOYEE RECOGNITION PROGRAM AWARD WINNERS

HON. ROBERT A. UNDERWOOD

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. UNDERWOOD. Mr. Speaker, the governor of Guam, Carl T.C. Gutierrez, acknowledges the hard work of government of Guam employees. The governor's employee recognition program, better known as the Excel Program, is the highest and most competitive employee awards bestowed by the governor—showcasing outstanding employees and programs within the government of Guam.

Local governmental agencies and departments participate in this program wherein awardees are chosen within each department's nominees for a number of occupational groups. These groups range from clerical to labor and trades to professional and technical positions. The various awards reflect individual and group performance, valor, sports, community service, cost savings, and integrity.

My sincerest congratulations go to the awardees. I urge them to keep up the good work. I am pleased to submit for the RECORD the names of this year's outstanding employees.

OUTSTANDING EMPLOYEES AND PROGRAMS IN 1999

GOVERNOR'S EMPLOYEE RECOGNITION PROGRAM

The Winners for Outstanding Performance in 1999

A. Inspiration and Encouragement

Small Dept/Agency—Cynthia R. Gogo, Administrative Assistant, Department of Military Affairs.

Medium Dept/Agency—Mary P. Weakley, Social Service Supervisor, Department of Mental Health & Substance Abuse.

Large Dept/Agency—Beatrice Aquino, Accounting Technician II, Guam Memorial Hospital Authority.

B. Silent Ones

Small Dept/Agency—David J. Rojas, Compliance Officer, Guam Economic Development Authority.

Medium Dept/Agency—Pedro Lipata, Clerk, Department of Labor.

Large Dept/Agency—Evelyn G. Sepulia, Special Diet Assistant, Guam Memorial Hospital Authority.

C. Community Service

Alejandro T. B. Lizama, Historic Preservation Specialist II, Department of Parks & Recreation.

D. Female Athlete of the Year

Catherine Taitague, Youth Service Worker I, Department of Youth Affairs.

E. Male Athlete of the Year

Clifford M. Raphael, Utility Worker, Guam Power Authority.

F. Sports Team of the Year

Guam Customs Baseball Team, Customs and Quarantine Agency.

G. Lifesaving

Patrick B. Tydingco, Airport Police Supervisor, Guam International Airport Authority.

H. Integrity

Zennia Pecina, Assistant Administrator of Nursing Services, Guam Memorial Hospital Authority.

I. Cost Savings/Innovative Idea

Small Dept/Agency—Joe Leon Guerrero, Special Projects Coordinator, Department of Military Affairs.

Medium Dept/Agency—Jumpstart Program, Department of Youth Affairs.

J. Recognition of Former Outstanding Employees

Jose L. Gumataotao, Program Coordinator III, Department of Youth Affairs.

K. Project/Program of the Year

Small Dept/Agency—Defense and State Memorandum of Agreement (DSMOA)/CERCLA Program, Guam Environmental Protection Agency.

Medium Dept/Agency—Contraband Enforcement Team, Customs and Quarantine Agency.

Large Dept/Agency—Guam Highway Patrol, Guam Police Department.

L. Unit of the Year

Small Dept/Agency—Accounting Division, Guam Economic Development Agency.

Medium Dept/Agency—Community Social Development Unit, Department of Youth Affairs.

Large Dept/Agency—Building Construction and Facility Maintenance Division, Department of Public Works.

M. Department of the Year

Small Dept/Agency—Bureau of Planning, Guam Environmental Protection Agency.

Medium Dept/Agency—Department of Youth Affairs.

Large Dept/Agency—Guam Police Department.

N. Employee of the Year

Typing and Secretarial—Doreen S. Fernandez, Word Processing Secretary II, University of Guam.

Keypunch and Computer Operations—Norbert J. Palomo, Computer Operations Specialist, Guam Power Authority.

Office Management and Miscellaneous Administrative—Louisa F. Marquez, Administrative Assistant, Department of Public Works.

Personnel Administration, Equal Employment and Public Information—Vivian D. Iglesias, Personnel Specialist I, Guam Power Authority.

Computer Programming and Analysis—Joycelyn Aguon, Computer Systems Analyst I, Guam Housing & Urban Renewal Authority.

Employment Service and Related—Greg S. Massey, Employment Development Worker II, Department of Labor.

Youth Service & Related—Jose Quinata, Youth Service Worker I, Department of Youth Affairs.

Public Safety—Joseph S. Carbullido, Police Officer III, Guam Police Department.

Security and Correction—Joseph A. Torres, Guard, Department of Public Works.

Technical and Professional Engineering—Bruce Meno, Engineering Aide II, Guam Housing and Urban Renewal Authority.

Planning—Charles H. Ada II, Planner I, Department of Military Affairs.

Wildlife, Biology, Agriculture Science and Related—Anna Maria Leon Guerrero, Biologist I, Guam Environmental Protection Agency.

Nursing and Dental Hygiene—Rizalina Fernandez, Staff Nurse I, Guam Memorial Hospital Authority.

General Domestic and Food Service—Fred Balecha, Cook I, Guam Memorial Hospital Authority.

Custodial—Luisa Bainco, Building Custodian, University of Guam.

Labor, Grounds and Maintenance—Norbert J. Iriarte, Auto Service Worker I, Department of Public Works.

Equipment Operation and Related—Wayne D. San Nicolas, Cargo Checker, Port Authority of Guam.

Mechanical and Metal Trades—John R. Manibusan, Heavy Equipment Operator Leader I, Guam Power Authority.

Building Trades—Paul T. Cruz, Stage/Maintenance Technician, Guam Council on the Arts and Humanities Agency.

Power System Electrical—Anthony P. Cruz, Electric Power System Dispatcher II, Guam Power Authority.

Electronics and Related Technical—Vicente A. Aguero, Computer Technician Leader, Guam Power Authority.

O. Supervisor of the Year

General Clerical—Karen E. Guerrero, Acting Clerk Supervisor, Guam Police Department.

Business Regulatory—Claire L. Cruz, Programs and Compliance Officer, Guam Economic Development Authority.

Community and Social Services—Grace R. Taitano, Social Worker III, Department of Youth Affairs.

Compliance Inspection/Enforcement—Rafaelle MJ Sgambelluri, Customs & Quarantine Officer Supervisor, Customs & Quarantine Agency.

Custodial—Jesse K. Lujan, Building Custodial Supervisor, University of Guam.

Mechanical and Metal Trades—Vincent M. Palomo, Transportation Supervisor, Department of Public Works.

Building Trades—Patrick J. Sablan, Building Maintenance Supervisor, Port Authority of Guam.

P. Manager of the Year

Small Dept/Agency—Leigh Leilani Lujan, Industry Development Manager, Guam Economic Development Agency.

Medium Dept/Agency—Linda C. San Nicolas, Program Coordinator IV, Department of Labor.

Large Dept/Agency—Catherine C. Guzman, Chief Clinical Dietician, Guam Memorial Hospital Authority.

Q. Merit Cup Leader Award

The best of the best among the outstanding Supervisors & Managers of the Year—Rafaelle Sgambelluri, Customs & Quarantine Officer Supervisor, Customs & Quarantine Agency.

R. Merit Cup Employee Award

The best of the best among the outstanding Employees of the Year—Bruce Meno, Engineering Aide II, Guam Housing & Urban Renewal Authority; Jose Quinata, Youth Service Worker I, Department of Youth Affairs.

PERSONAL EXPLANATION

HON. JOHNNY ISAKSON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. ISAKSON. Mr. Speaker, on rollcall No. 373, I would have voted ''no'', on rollcall No. 374, I would have voted ''no'', on rollcall No. 375, I would have voted ''yes'', on rollcall No. 376, I would have voted ''no'', on rollcall No. 377, I would have voted ''yes'', and on rollcall No. 378, I would have voted ''no''.

PERSONAL EXPLANATION

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. BATEMAN. Mr. Speaker, I inadvertently missed recorded vote No. 375 on the Crowley amendment to H.R. 4461. Had I not done so, I would have voted ''yea.''

PERSONAL EXPLANATION

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 11, 2000

Mr. TAYLOR of Mississippi. Mr. Speaker, on the evening of Monday, July 10th, I was unavoidably detained because of inclement weather in Atlanta which caused the cancellation of my connecting flight from Mississippi to Washington, DC. Due to this circumstance, I missed rollcall votes 373 through 378. If I had been able to vote, I would have voted: ''yea'' on rollcall No. 373, ''yea'' on rollcall No. 374, ''yea'' on rollcall No. 375, ''yea'' on rollcall No. 376, ''yea'' on rollcall No. 377, and ''nay'' on rollcall No. 378.

Daily Digest

HIGHLIGHTS

The House passed H.R. 4461, Agriculture, Rural Development, FDA, and Related Agencies Appropriations

Senate

Chamber Action

Routine Proceedings, pages S6403–S6483

Measures Introduced: Six bills and one resolution were introduced, as follows: S. 2844–2849, and S.J. Res. 49. **Pages S6473–74**

Measures Reported: Reports were made as follows:

S. 2844, to amend the Foreign Assistance Act of 1961 to authorize the provision of assistance to increase the availability of credit to microenterprises lacking full access to credit, to establish a Microfinance Loan Facility. (S. Rept. No. 106–335)

S. 2845, to authorize additional assistance to countries with large populations having HIV/AIDS, to authorize assistance for tuberculosis prevention, treatment, control, and elimination. (S. Rept. No. 106–336)

S. 2712, to amend chapter 35 of title 31, United States Code, to authorize the consolidation of certain financial and performance management reports required of Federal agencies. (S. Rept. No. 106–337) **Page S6473**

Death Tax Elimination Act: Senate resumed consideration of the motion to proceed to the consideration of H.R. 8, to amend the Internal Revenue Code of 1986 to phase out the estate and gift taxes over a 10-year period. **Pages S6408–48**

By 99 yeas to 1 nay (Vote No. 173), three-fifths of those Senators duly chosen and sworn having voted in the affirmative, Senate agreed to close further debate on the motion to proceed to consideration of the bill. **Page S6408**

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill on Wednesday, July 12, 2000. **Page S6445**

National Defense Authorization: Senate resumed consideration of S. 2549, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, taking action on the following amendments proposed thereto: **Pages S6448–61**

Adopted:

Smith (of NH) Modified Amendment No. 3210, to prohibit granting security clearances to felons. **Pages S6448–49**

Warner (for Smith of NH) Amendment No. 3765, to require that the annual report on transfers of militarily sensitive technology to countries and entities of concern include a discussion of actions taken on recommendations of inspectors general contained in previous annual reports. **Page S6450**

Levin (for Bryan) Amendment No. 3761, to provide for the concurrent payment to surviving spouses of disability and indemnity compensation and annuities under the Survivor Benefit Plan. **Pages S6450–51**

Levin (for Bingaman) Modified Amendment No. 3770, to improve the ability of the National Laboratories to achieve their missions through collaborations with other institutions. **Pages S6451–54**

Warner Modified Amendment No. 3739, to improve the modifications to the counterintelligence polygraph program of the Department of Energy. **Page S6454**

Warner (for Domenici) Modified Amendment No. 3259, to coordinate and facilitate the development by the Department of Defense of directed energy technologies, systems, and weapons. **Pages S6454–55**

Warner (for Domenici) Modified Amendment No. 3760, to expand and enhance United States efforts in the Russian nuclear complex to expedite the containment of nuclear expertise that presents a proliferation threat. **Pages S6455–56**

Pending:

Warner (for Byrd) Amendment No. 3767, to provide for annual reporting of the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China. **Pages S6449–50**

Byrd Amendment No. 3794 (to Amendment No. 3767), to provide for annual reporting of the national security implications of the bilateral trade and economic relationship between the United States and the People's Republic of China. **Page S6450**

Bennett/Reid Amendment No. 3185, to provide for an adjustment of composite theoretical performance levels of high performance computers. **Page S6456**

During consideration of this measure today, Senate also took the following action:

Warner (for Thompson) Amendment No. 3250 (previously adopted by the Senate on June 8, 2000), was modified. **Page S6450**

Warner (for Bennett) Amendment No. 3751 (previously adopted by the Senate on June 30, 2000), was modified. **Page S6450**

A unanimous-consent agreement was reached providing that any votes ordered with respect to amendments occur at 11:30 a.m. on Wednesday, July 12, 2000. **Page S6445**

A unanimous-consent agreement was reached providing for further consideration of the bill, pending amendments, and amendments to be proposed thereto, at 6:30 p.m. on Wednesday, July 12, 2000. Further, that the bill be advanced to third reading, the Senate proceed to the House companion bill H.R. 4205, that all after the enacting clause be stricken, the text of the Senate bill be inserted, the House bill be advanced to third reading and passage occur, all without any intervening action, and the Senate bill be then placed on the Calendar. **Page S6461**

Interior Appropriations—Agreement: A unanimous-consent agreement was reached providing for certain amendments to be proposed to H.R. 4578, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 2001. **Pages S6444–45**

Messages From the House: **Page S6468**

Measures Referred: **Page S6468**

Measures Placed on Calendar: **Page S6468**

Communications: **Page S6468**

Petitions: **Pages S6468–73**

Statements on Introduced Bills: **Pages S6474–77**

Additional Cosponsors: **Pages S6477–78**

Amendments Submitted: **Pages S6479–82**

Notices of Hearings: **Page S6482**

Authority for Committees: **Page S6482**

Additional Statements: **Pages S6466–68**

Privileges of the Floor: **Pages S6482–83**

Record Votes: One record vote was taken today. (Total—173) **Page S6408**

Adjournment: Senate convened at 9:31 a.m., and adjourned at 8:38 p.m., until 9:30 a.m., on Wednesday, July 12, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S6483.)

Committee Meetings

(Committees not listed did not meet)

AMTRAK COMMUTER RAIL CONTRACT

Committee on Banking, Housing, and Urban Affairs: Subcommittee on Housing and Transportation concluded hearings to examine the Federal Transit Administration's decision to approve the Massachusetts Bay Transportation Authority's request for a waiver from the Federal Transit Administration's five-year limitation on contract length that would allow a three year extension of the agreement with the National Railroad Passenger Corporation (Amtrak) to provide mechanical, transportation, and engineering services, after receiving testimony from Nuria I. Fernandez, Acting Administrator, Federal Transit Administration, Department of Transportation; and George D. Warrington, President and CEO, National Railroad Passenger Corporation (Amtrak).

WATER RIGHTS ACTS

Committee on Energy and Natural Resources: Subcommittee on Water and Power concluded hearings on S. 2195, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water, S. 2350, to direct the Secretary of the Interior to convey to certain water rights to Duchesne City, Utah, S. 2672, to provide for the conveyance of various reclamation projects to local water authorities, after receiving testimony from Eluid L. Martinez, Commissioner, Bureau of Reclamation, and Sharon Blackwell, Deputy Commissioner of Indian Affairs, both of the Department of the Interior; Steve K. Walker, Washoe County Water Resources Division, Reno, Nevada; John A. Sweikar, Sugar Pine Transfer Committee Foresthill Public Utility District, Foresthill, California; and Brice Bledsoe, Contra Costa Water District, Concord, California.

INTERNET MUSIC

Committee on the Judiciary: Committee concluded hearings on the future of digital music, focusing on certain issues concerning downloading music from the internet, and copyright infringement, after receiving testimony from Lars Ulrich, and Fred Ehrlich, New Technology and Business Development, Sony Music Entertainment Inc., both of New York, New York; Hank Barry, Napster, Inc., San Mateo, California; Michael Robertson, MP3.com, Inc., San Diego, California; Gene Hoffman, Jr., EMusic.com, Inc., Redwood City, California; Gene Kan, Gnutella, Belmont, California; James Hazen Griffin, Cherry Lane Digital, Los Angeles, California; and Roger McGuinn, Windemere, Florida.

LIVING TRUST SCAMS

Special Committee on Aging: Committee concluded hearings to examine various scams involving fraudulent marketing and sales of living trusts targeting older Americans planning their estate, after receiving testimony from Elaine Kolish, Associate Director, Division of Enforcement, Bureau of Consumer Protection, Federal Trade Commission; Elmer C. Prenzlow, Wisconsin Department of Agriculture, Trade and Consumer Protection, Milwaukee; Paul F. Hancock, Office of the Attorney General of South Florida, Fort Lauderdale; George B. Hoffman, George B. Hoffman Estate and Retirement Planning, Newport Beach, California, on behalf of the Alliance for Mature Americans; Esther Canja, American Association of Retired Persons, Port Charlotte, Florida; and Judy Kulinski, Pewaukee, Wisconsin.

House of Representatives

Chamber Action

Bills Introduced: 5 public bills, H.R. 4820–4824; and 4 resolutions, H. Con. Res. 370, and H. Res. 544, 547, and 548 were introduced. **Pages H5842–43**

Reports Filed: Reports were filed today as follows.

H.R. 2961, to amend the Immigration and Nationality Act to authorize a 3-year pilot program under which the Attorney General may extend the period for voluntary departure in the case of certain nonimmigrant aliens who require medical treatment in the United States and were admitted under the Visa Waiver Pilot Program (H. Rept. 106–721);

H.R. 4034, to reauthorize the United States Patent and Trademark Office (H. Rept. 106–722);

H.R. 4063, to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, amended (H. Rept. 106–723);

S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture (H. Rept. 106–724).

H.R. 3489, to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones and to strengthen and clarify prohibitions on electronic eaves-dropping, amended (H. Rept. 106–725, Pt. 1);

H.R. 3489, to amend the Communications Act of 1934 to regulate interstate commerce in the use of mobile telephones and to strengthen and clarify prohibitions on electronic eaves-dropping, amended (H. Rept. 106–725, Pt. 2);

H. Res. 545, providing for consideration of H.R. 4810, to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001 (H. Rept. 106–726); and

H. Res. 546, providing for consideration of H.R. 4811, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001 (H. Rept. 106–727). **Pages H5836, H5842**

Speaker Pro Tempore: Read a letter from the Speaker wherein he designated Representative Sherwood to act as Speaker pro tempore for today. **Page H5739**

Guest Chaplain: The prayer was offered by the guest Chaplain, Rabbi Linda Motzkin of Saratoga Springs, New York. **Page H5740**

Recess: The House recessed at 9:08 a.m. and reconvened at 10:00 a.m. **Page H5740**

Suspensions: the House agreed to suspend the rules pass the following measures:

Mobile Telecommunications Sourcing Act: H.R. 4391, amended, to amend title 4 of the United States Code to establish nexus requirements for State and local taxation of mobile telecommunication services. Agreed to amend the title; **Pages H5741–44**

Permanent Resident Status to Syrian Nationals: H.R. 4681, amended, to provide for the adjustment of status of certain Syrian nationals; **Pages H5744–48**

Aimee's Law: H.R. 894, amended, to encourage States to incarcerate individuals convicted of murder, rape, or child molestation; **Pages H5748–57**

Strongly Objecting to any Effort to Expel the Holy See from its Status as United Nations Permanent Observer: H. Con. Res. 253, expressing the sense of the Congress strongly objecting to any effort to expel the Holy See from the United Nations as a state participant by removing its status as a Permanent Observer (agreed to by a yea and nay vote of 416 yeas to 1 nay, Roll No. 379); **Pages H5757–60, H5764–65**

Grants for Studies at Foreign Institutions: H.R. 4528, amended, to establish an undergraduate grant program of the Department of State to assist students of limited financial means from the United States to pursue studies at foreign institutions of higher education; **Pages H5760–62**

Condemning the Use of Children as Soldiers: H. Con. Res. 348, expressing condemnation of the use of children as soldiers and expressing the belief that the United States should support and, where possible, lead efforts to end this abuse of human rights; **Pages H5762–64**

National Wildlife Refuge System Centennial Act: H.R. 4442, amended, to establish a commission to promote awareness of the National Wildlife Refuge System among the American public as the System celebrates its centennial anniversary in 2003 (passed by a recorded vote of—403 ayes to 15 noes, Roll No. 380). The motion to suspend the rules was debated on July 10; **Page H5765**

National Ocean Day: H. Res. 415, amended, expressing the sense of the House of Representatives that there should be established a National Ocean Day to recognize the significant role the ocean plays in the lives of the Nation's people and the important role the Nation's people must play in the continued life of the ocean (agreed to by a recorded vote of 387 ayes to 28 noes with 2 voting "present", Roll No. 381). The motion to suspend the rules was debated on July 10; **Pages H5765–66**

Rosie the Riveter Home Front National Historical Park: H.R. 4063, to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California; **Pages H5792–96**

Utah West Desert Land Exchange Act: H.R. 4579, amended, to provide for the exchange of certain lands within the State of Utah; **Pages H5796–97**

J.L. Dawkins Post Office in Fayetteville, NC: H.R. 4658, to designate the facility of the United States Postal Service located at 301 Green Street in Fayetteville, North Carolina, as the "J.L. Dawkins Post Office Building"; and **Pages H5806–08**

Henry W. McGee Post Office in Chicago, IL: H.R. 3909, to designate the facility of the United States Postal Service located at 4601 South Cottage Grove Avenue in Chicago, Illinois, as the "Henry W. McGee Post Office Building." **Pages H5809–11**

Suspensions—Proceedings Postponed: The House completed debate on the following motions to suspend the rules and postponed further proceedings on the measures:

Acquisition of the Baca Ranch with the Valles Caldera: S. 1892, to authorize the acquisition of the Valles Caldera, to provide for an effective land and wildlife management program for this resource within the Department of Agriculture; **Pages H5797–H5806**

Barbara F. Vucanovich Post Office in Reno, NV: H.R. 4169, to designate the facility of the United States Postal Service located at 2000 Vassar Street in Reno, Nevada, as the "Barbara F. Vucanovich Post Office Building;" and **Page H5808**

Samuel H. Lacy, Sr. Post Office in Baltimore, MD: H.R. 4447, to designate the facility of the United States Postal Service located at 919 West 34th Street in Baltimore, Maryland, as the "Samuel H. Lacy, Sr. Post Office Building." **Pages H5811–12**

Agriculture, Rural Development, FDA, and Related Agencies Appropriations: The House passed H.R. 4461, making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 2001 by a yea and nay vote of 339 yeas to 82 nays, Roll No. 385. The House previously considered the bill on June 29 and July 10. **Pages H5766–91**

Rejected:

DeFazio amendment No. 39 printed in the Congressional Record that sought to reduce Wildlife Services Program funding for livestock protection by $7 million and prohibit any funding to conduct campaigns to destruct wild animals for the purpose of protecting stock (rejected by a recorded vote of 190 ayes to 228 noes, Roll No. 382); **Page H5787**

Sanford amendment No. 48 printed in the Congressional Record that sought to prohibit any funding for payments to wool and mohair producers (a recorded vote of 166 ayes to 255 noes, Roll No. 383); and **Pages H5788–89**

Burton of Indiana amendment No. 68 printed in the Congressional Record that sought to prohibit waivers on applicable conflicts of interest rules to members of vaccine-related Federal advisory committees (rejected by a recorded vote of 168 ayes to 253 noes, Roll No. 384). **Pages H5777–79**

Withdrawn:

Allen amendment No. 32 printed in the Congressional Record was offered and withdrawn that sought to require pharmaceutical manufacturers to identify the total cost of research and development and amounts paid with State or Federal funds in new drug applications; **Pages H5773–75**

Brown of Ohio amendment No. 37 printed in the Congressional Record was offered and withdrawn that sought to require pharmaceutical manufacturers to disclose the average price charged for drugs in each country that is a member of the Organization for Economic Co-operation and Development; and **Pages H5775–77**

Kucinich amendment No. 9 printed in the Congressional Record was offered and withdrawn that sought to establish the Genetically Engineered Food Right to Know Act. **Pages H5779–83**

The House agreed to H. Res. 538, the rule that is providing for consideration of the bill on June 28.

Senate Messages: Message received from the Senate appears on page H5739.

Amendments: Amendments ordered printed pursuant to the rule appear on pages H5843–46.

Quorum Calls—Votes: Two yea and nay votes and five recorded votes developed during the proceedings of the House today and appear on pages H5764–65, H5765, H5766, H5787, H5788, H5788–89, and H5791. There were no quorum calls.

Adjournment: The House met at 9 a.m. and adjourned at 10:10 p.m.

Committee Meetings

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS

Committee on Appropriations: Subcommittee on Treasury, Postal Service, and General Government approved for full Committee action the Treasury, Postal Service, and General Government appropriations for fiscal year 2001.

NATIONAL NUCLEAR SECURITY ADMINISTRATION

Committee on Armed Services: Special Oversight Panel on Department of Energy Reorganization held a hearing on implementation issues related to the establishment of the National Nuclear Security Administration. Testimony was heard from Gen. John Gordon, USAF, Administrator, National Nuclear Security Administration, Department of Energy.

RYAN WHITE CARE ACT AMENDMENTS

Committee on Commerce: Subcommittee on Health and Environment held a hearing on H.R. 4807, Ryan White CARE Act Amendments of 2000. Testimony was heard from Claude Earl Fox, M.D., Administrator, Health Resources and Services Administration, Department of Health and Human Services; Janet Heinrich, Associate Director, GAO; Tom Liberti, Chief, Bureau of HIV/AIDS, Department of Health, State of Florida; Guthrie S. Birkhead, M.D., Director, AIDS, Institute, Department of Health, State of New York; and public witnesses.

DOE'S NUCLEAR WEAPON LABORATORIES—WEAKNESSES IN CLASSIFIED SECURITY CONTROLS

Committee on Commerce: Subcommittee on Oversight and Investigations held a hearing on ''Weaknesses in Classified Information Security Controls at DOE's Nuclear Weapon Laboratories,'' Testimony was heard from Jim Wells, Issues Area Director, Energy, Resources, and Sciences Issues, GAO; and the following officials of the Department of Energy: Glenn S. Podonsky, Director, Office of Independent Oversight and Performance Assurance; T. J. Glauthier, Deputy Secretary; C. Paul Robinson, President and Laboratories Director, Sandia National Laboratories; John C. Browne, Director, Los Alamos National Laboratory; and C. Bruce Tarter, Director, Lawrence Livermore National Laboratory; and a public witness.

EFFECTIVENESS OF THE NATIONAL YOUTH ANTI-DRUG MEDIA CAMPAIGN

Committee on Government Reform: Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on the Effectiveness of the National Youth Anti-Drug Media Campaign. Testimony was heard from Barry R. McCaffrey, Director, Office of National Drug Control Policy; and public witnesses.

HEALTH CARE INFRASTRUCTURE INVESTMENT ACT

Committee on Government Reform: Subcommittee on Government Management, Information, and Technology held a hearing on H.R. 4401, Health Care Infrastructure Investment Act of 2000. Testimony was heard from Senator Lugar; Gary Christoph, Chief Information Officer, Health Care Financing Administration, Department of Health and Human Services; Joel Willemssen, Director, Civil Agencies Information Systems, GAO; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported, as amended the following bills: H.R. 4194, Small Business Merger Fee Reduction Act of 2000; H.R. 4033, Bulletproof Vest Partnership Grant Act of 2000; and H.R. 2059, to amend the Omnibus Crime Control

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

ADOPTED ORPHANS CITIZENSHIP ACT

Committee on the Judiciary: Subcommittee on Immigration and Claims approved for full Committee action H.R. 2883, Adopted Orphans Citizenship Act.

MINERAL RIGHTS AND FEDERAL EMPLOYEE PAYMENTS

Committee on Resources: Subcommittee on Energy and Mineral Resources met in executive session to hold a hearing to examine laws, policies, practices, and operations of the Department of the Interior and Department of Energy related to payments to their employees (including federal public land oil royalty and valuation policy advisors) from outside sources, (including the Project on Government Oversight); and to examine (a) the source of funds for such payments (b) the relationship between those managing and overseeing the organization that made the payments and the individuals who received the payments, (c) the effect of the payments on programs, policies, and positions of such departments. Testimony was heard from Robert A. Berman, Economist, Department of the Interior.

FOREIGN OPERATIONS, EXPORT FINANCING, AND RELATED PROGRAMS APPROPRIATIONS

Committee on Rules: Granted, by voice vote, an open rule providing one hour of general debate on H.R. 4811, making appropriations for foreign operations, export financing, and related programs for the fiscal year ending September 30, 2001, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. The rule waives all points of order against consideration of the bill. The rule waives points of order against provisions in the bill for failure to comply with clause 2 of Rule XXI (prohibiting unauthorized or legislative provisions in a general appropriations bill or prohibiting reappropriations in a general appropriations bill), except as specified in the rule. The rule waives points of order against amendments to the bill for failure to comply with clause 2(e) of Rule XXI (prohibiting non-emergency designated amendments to be offered to an appropriations bill containing an emergency designation). The rule allows the Chairman of the Committee of the Whole to accord priority in recognition to Members who have pre-printed their amendments in the Congressional Record. The rule allows the Chairman of the Committee of the Whole to postpone votes during consideration of the bill, and to reduce voting time to five minutes on a postponed question if the vote follows a fifteen minute vote. Finally, the rule provides one motion to recommit with or without instructions. Testimony was heard from Representatives Callahan, Baker, Greenwood, Brady of Texas, Pelosi, Lowey, Nadler, Waters and Menendez.

MARRIAGE TAX PENALTY RELIEF RECONCILIATION ACT

Committee on Rules: Granted, by voice vote, a modified closed rule providing 1 hour of debate on H.R. 4810, Marriage Tax Penalty Relief Reconciliation Act of 2000. The rule waives all points of order against consideration of the bill. The rule provides for consideration of the amendment in the nature of a substitute, printed in the Rules Committee report accompanying the resolution, if offered by Representative Rangel or his designee, which shall be considered as read and shall be separately debatable for one hour equally divided between the proponent and an opponent. The rule waives all points of order against consideration of the amendment printed in the report. Finally, the rule provides one motion to recommit with or without instructions Testimony was heard from Representatives Weller and Rangel.

ROADLESS POLICY—EFFECTS ON RURAL SMALL BUSINESS AND RURAL COMMUNITIES

Committee on Small Business: Subcommittee on Rural Enterprises, Business Opportunities and Special Small Business Problems held a hearing on the Effects of the Roadless Policy on Rural Small Business and Rural Communities. Testimony was heard from Charles Rawls, General Counsel, USDA; and public witnesses.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, *p. D711)*

H.R. 3051, to direct the Secretary of the Interior, the Bureau of Reclamation, to conduct a feasibility study on the Jicarilla Apache Reservation in the State of New Mexico. Signed July 10, 2000. (P.L. 106–243)

S. 1309, to amend title I of the Employee Retirement Income Security Act of 1974 to provide for the preemption of State law in certain cases relating to certain church plans. Signed July 10, 2000. (P.L. 106–244)

S. 1515, to amend the Radiation Exposure Compensation Act. Signed July 10, 2000. (P.L. 106–245)

COMMITTEE MEETINGS FOR WEDNESDAY, JULY 12, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Armed Services: to hold hearings to examine the Department of Defense Anthrax Vaccine Immunization Program, 9:30 a.m., SH–216.

Committee on the Budget: to hold hearings on certain provisions of S. 2274, to amend title XIX of the Social Security Act to provide families and disabled children with the opportunity to purchase coverage under the medicaid program for such children, 10 a.m., SD–608.

Committee on Commerce, Science, and Transportation: to hold hearings on the nomination of Francisco J. Sanchez, of Florida, to be an Assistant Secretary of Transportation; and Frank Henry Cruz, of California, Ernest J. Wilson III, of Maryland, Katherine Milner Anderson, of Virginia, and Kenneth Y. Tomlinson, of Virginia, each to be a Member of the Board of Directors of the Corporation for Public Broadcasting, 9:30 a.m., SR–253.

Committee on Foreign Relations: to hold hearings to examine the United Nations policy in Africa, 10:30 a.m., SD–419.

Subcommittee on International Economic Policy, Export and Trade Promotion, to hold hearings on the role of biotechnology in combating poverty and hunger in developing countries, 2 p.m., SD–419.

Committee on Health, Education, Labor, and Pensions: to hold hearings to examine the National Science Foundation, 10 a.m., SD–430.

Committee on Indian Affairs: to hold oversight hearings on risk management and tort liability relating to Indian matters, 2:30 p.m., SR–485.

Committee on the Judiciary: Subcommittee on Technology, Terrorism, and Government Information, to hold hearings to examine identity theft and how to protect and restore your good name, 10 a.m., SD–226.

Full Committee, to hold hearings on the nominations of Glenn A. Fine, of Maryland, to be Inspector General, Department of Justice; Dennis M. Cavanaugh, to be United States District Judge for the District of New Jersey;

James S. Moody, Jr., to be United States District Judge for the Middle District of Florida;

Gregory A. Presnell, to be United States District Judge for the Middle District of Florida; and

John E. Steele, of Florida, to be United States District Judge for the Middle District of Florida, 2 p.m., SD–226.

House

Committee on Agriculture, hearing to review federal farm policy, 10 a.m., 1300 Longworth.

Committee on Appropriations, to consider a report on the revised suballocation of budget allocations for fiscal year 2001, 10 a.m., 2359 Rayburn.

Subcommittee on the District of Columbia, hearing on Fiscal Year 2001 District of Columbia Budget, 10 a.m., 2362 Rayburn.

Committee on the Budget, Health Task Force, hearing on Blowing Smoke on the Invisible Man, Measuring Fraud, Payment Errors in Medicare and Medicaid, 10 a.m., 210 Cannon.

Natural Resources and the Environment Task Force, hearing on Department of Energy Management Practices, 2 p.m., 210 Cannon.

Committee on Commerce, Subcommittee on Finance and Hazardous Materials, hearing on H.R. 4541, Commodity Futures Modernization Act of 2000, 10 a.m., 2123 Rayburn.

Committee on Government Reform, Subcommittee on Government Management, Information, and Technology, hearing on the following measures: the Federal Property Asset Management Reform Act; and H.R. 3285, Federal Asset Management Improvement Act of 1999, 10 a.m., 2247 Rayburn.

Subcommittee on National Security, Veterans' Affairs and International Relations, hearing on Hepatitis C: Access, Testing and Treatment in the VA Health Care System, 10 a.m., 2154 Rayburn.

Committee on International Relations, hearing on Global Terrorism: South Asia—The New Locus, 10 a.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, oversight hearing on the Civil Rights Division of the Department of Justice, 10 a.m., 2237 Rayburn.

Committee on Resources, to mark up a motion to sustain rulings by Chairman Don Young on objections to the production of records subject to subpoenas issued by Chairman Don Young under the authority of a resolution adopted by the Committee on Resources on June 9, 1999, which objections were raised by Robert A. Berman, Henry M. Banta, Danielle Brian Stockton, Keith Rutter, and the Project on Government Oversight; followed by an oversight hearing on Office of Insular Affairs, U.S. Department of the Interior, 11 a.m., 1324 Longworth.

Committee on Veterans' Affairs, Subcommittee on Benefits, hearing on the following bills: H.R. 4765, 21st Century Veterans Employment and Training Act; and H.R. 3256, Veterans' Right to Know Act, 10 a.m., 334 Cannon.

Next Meeting of the SENATE

9:30 a.m., Wednesday, July 12

Senate Chamber

Program for Wednesday: Senate will continue consideration of the motion to proceed to consideration of H.R. 8, Death Tax Elimination Act.

At 11:30 a.m., Senate will continue consideration of S. 2549, Defense Authorization, with a vote on Bennett/Reid Amendment No. 3185: following which, Senate will begin consideration of H.R. 8, Death Tax Elimination Act. Also, Senate may resume consideration of H.R. 4578, Interior Appropriations.

Next Meeting of the HOUSE OF REPRESENTATIVES

10 a.m., Wednesday, July 12

House Chamber

Program for Wednesday: Consideration of H.R. 4810, Marriage Penalty Tax Elimination Reconciliation Act (modified closed rule, one hour of debate), and

Consideration of H.R. 4811, Foreign Operations Appropriations, FY 2001 (open rule, one hour of debate).

Extensions of Remarks, as inserted in this issue

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