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PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, JULY 27, 2000 No. 100

House of Representatives

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, we ask You to shepherd our comings and our goings. We hope You guard us and guide us always.

As the Representatives of the people of this great Nation, we have come to do Your will. We have been attentive to the needs of our times. We have listened to our constituents and to each other in the search of common purpose.

We are grateful to our colleagues, our personal staffs and the staff of this House for all their work and their dedication to government. We pray that You bless each of them for their efforts and reward them for their goodness by answering their prayers.

We pray for our families and the people of the districts we represent. Grant them peace, prosperity and renewed faith. May You who have begun this good work in us bring it to fulfillment, now and forever. 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.

Mr. KNOLLENBERG. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KNOLLENBERG. 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. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 344, nays 55, not voting 35, as follows:

[Roll No. 443]

YEAS—344

Abercrombie
Ackerman
Allen
Andrews
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Clayton
Clement
Coble
Coburn
Combest
Cook
Cooksey
Cox
Coyne
Cramer
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Etheridge
Evans
Farr
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gibbons
Gilchrest
Goode
Goodlatte
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Horn
Hostettler
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
John
Johnson, E. B.
Jones (NC)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McHugh
McInnis
McIntyre
McKeon
McKinney
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
Norwood
Obey
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Phelps
Pickering
Pombo
Pomeroy
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (PA)
Wexler
Weygand
Whitfield
Wilson
Woolsey
Wu
Wynn
Young (FL)

NAYS—55

Aderholt
Bilbray
Borski
Brady (PA)
Capuano
Chenoweth-Hage
Clay
Clyburn
Condit
Costello
DeFazio
Dickey
Everett
Fattah
Filner
Gephardt
Gillmor
Gonzalez

This symbol represents the time of day during the House proceedings, e.g., 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Printed on recycled paper.

Gutierrez	McDermott	Slaughter
Gutknecht	McGovern	Strickland
Hastings (FL)	McNulty	Stupak
Hefley	Moran (KS)	Tancredo
Hill (MT)	Oberstar	Taylor (MS)
Hilleary	Olver	Thompson (CA)
Hilliard	Ortiz	Thompson (MS)
Hinchey	Peterson (MN)	Tierney
Hooley	Pickett	Udall (NM)
Jackson-Lee (TX)	Ramstad	Waters
	Rogan	Weller
Kucinich	Sabo	Wicker
LoBiondo	Schaffer	

NOT VOTING—35

Archer	Herger	Rangel
Baird	Houghton	Shaw
Barton	Hunter	Smith (WA)
Collins	Jenkins	Stark
Conyers	Johnson (CT)	Thomas
Crane	Johnson, Sam	Vento
Doyle	Jones (OH)	Watkins
Engel	McCrery	Weldon (FL)
English	McIntosh	Wise
Ewing	Nussle	Wolf
Gilman	Pitts	Young (AK)
Goodling	Porter	

1026

So the Journal was approved.

The result of the vote was announced as above recorded.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore (Mr. HAYES). Will the gentleman from New York (Mr. MCNULTY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCNULTY 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.

APPROPRIATIONS SCHEDULE FOR TODAY

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

Mr. YOUNG of Florida. Mr. Speaker, I rise to make an announcement relative to the appropriations schedule for the day.

Mr. Speaker, at the direction of the leadership, the House and Senate appropriators and appropriations staff worked all through the night and have prepared the conference report on the legislative branch appropriations bill as well as the Treasury-Postal appropriations bill. That was filed this morning at approximately 7 a.m.

Then, after the appropriators worked all night, the Committee on Rules worked for a good portion of the night and submitted a rule. We will take that conference report up sometime today, probably after we complete the consideration of our last appropriations bill for the District of Columbia.

But the announcement I wanted to make is that the copies of the bill will be on the House Committee on Rules Web site and should be there now and also on the House Clerk's Office Web site so that Members will have an opportunity to look at the entire conference report.

In addition, a summary on printed hard copy will be available in the Appropriations office so Members will have ample opportunity to look at the conference report prior to the time they are called on to vote.

1030

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

Mr. YOUNG of Florida. I yield to the gentleman from Michigan.

Mr. BONIOR. Mr. Speaker, I thank my distinguished friend for yielding to me, and I have just a couple of questions. The D.C. appropriations bill, will that be brought to the floor today? Is that the gentleman's understanding? The gentleman alluded to it in his remarks.

Mr. YOUNG of Florida. It is my understanding that the D.C. bill will be completed today. We are very close to completion on that bill.

Mr. BONIOR. Does the gentleman expect that bill to be brought to the floor today, the D.C. appropriation bill?

Mr. YOUNG of Florida. Yes.

Mr. BONIOR. All right. I thank the gentleman.

The second thing is on the Treasury Postal bill, obviously, there is a lot of concern about the bill since Members have not seen it, some Members did not participate or were not allowed to participate in the conference, as I understand it, and the question I have is, the two Cuban amendments that passed with overwhelming votes in this Chamber, are they in the bill or were they stripped from the bill?

Mr. YOUNG of Florida. They are not in the conference report.

Mr. BONIOR. I thank my colleague.

Mr. YOUNG of Florida. I made the announcement so Members will have opportunity to review the entire report and to find areas they like and areas they do not like, and then we will pass the conference report.

QUESTIONS REGARDING APPROPRIATIONS SCHEDULE FOR TODAY

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

Mr. OBEY. Mr. Speaker, I just would like to make a few observations about the announcement just made by the gentleman from Florida (Mr. YOUNG). I do not know how to describe the process we are going through, except that it looks to me like it was designed by Johnny Fumblefingers. We have no idea, Members have no idea of what is in this conference report. We are being—could I have some order or has all respect gone from that side of the aisle? Too many sore losers from the baseball game last night, I guess.

The SPEAKER pro tempore (Mr. HAYES). Does the gentleman wish to be recognized to gloat for 2 minutes?

Mr. OBEY. The point I would like to make, Mr. Speaker, is simply this, we are being told that we are going to be voting on a legislative appropriations bill today, and now we are being told that when we do that that bill will by reference also pass another appropriation bill, the Treasury Postal bill, that conference report is quaint, because the Senate has not yet even completed action on the bill which is being conferenced, and in that bill, we have a variety of interesting provisions.

So far as we know, there is, for instance, apparently a road in that bill that GSA is being asked to construct in New Mexico, despite the fact GSA has never constructed a road in the history of the operation. The funds in the bill we are told are inadequate to allow the IRS to meet its modernization requirements, all of the matters relating to Cuba and the Cuban embargo, if you come from a farm district and are interested in that, I do not see the gentleman from Washington (Mr. NETHERCUTT) anywhere, but my understanding is that that has been stripped out of the bill.

So I would suggest that this is a most strange way to proceed. I do not understand why it is necessary to proceed to a conference report on a bill which has not yet even been considered by the other body, that is an incredibly irregular procedure, and I think it adds further to the image of this House as not knowing from one day to the next what it is doing.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Florida.

Mr. YOUNG of Florida. I thank my friend for yielding to me, and when I made this announcement, I did not intend to start the debate on the conference report. I merely wanted to allow the Members to know where they could see copies of this bill, so that when we get to that debate, no one would have the excuse of, well, I did not have a chance to see the bill; that was the only purpose, not to start the debate now, but to tell Members where they can see copies of this conference report so they can vote intelligently.

Mr. OBEY. I would simply say to the gentleman, I am not criticizing his statement, I am criticizing his actions.

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

Mr. OBEY. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding to me.

I would say to the gentleman from Florida (Chairman YOUNG) for whom I have, as he knows, great respect and affection, and I share that as well for the ranking member.

I want to tell him, with all due respect, I am the ranking member of the Treasury Postal bill, and I am going to have to go to the Web site because I have not seen the conference report. There was no conference. I would tell my friends, there was no conference on the Treasury Postal bill, whatever is in the Treasury Postal bill, we are learning secondhand.

This is not the way my colleagues ought to run this House and respect

one another as Members. This is a wrong way to proceed, and we ought to reject and start back at the very beginning. This is not the way to treat one another. If we want bipartisanship, if we want to positively represent the citizens of this country, if we want to come to this place and be honest with one another, this is not the way to do it.

I am the ranking member. I have not seen this bill, and I must go to the Web site to see this bill. Reject this bill.

Mr. OBEY. Reclaiming my time, Mr. Speaker, could I ask the gentleman from Florida (Mr. YOUNG) a procedural question?

The gentleman has indicated we are going to bring up the D.C. bill, will we be allowed to bring that bill to final passage, or are we just going to debate it further without voting on final passage?

Mr. YOUNG of Florida. If the gentleman would yield, I think he knows that under the unanimous consent agreement that we reached yesterday that we are close to the end of completion of that bill. So it is certainly my hope that we can complete that bill and get it on to the Senate. That is the final appropriations bill to leave the House, and then we can turn our attention to the conference reports so that we can complete the process to send it to the White House.

Mr. OBEY. There are rumors around here that the bill will be debated, but that it will not be allowed to come to final passage. Can the gentleman tell us that it will be allowed to come to final passage?

Mr. YOUNG of Florida. I would suggest to the gentleman that I have not heard that rumor.

MOTION TO INSTRUCT CONFEREES ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR, 2001

The SPEAKER pro tempore. The unfinished business is the question of agreeing to the motion to instruct conferees on H.R. 4205, offered by the gentleman from Mississippi (Mr. TAYLOR) on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The Clerk will rereport the motion.

The Clerk read as follows:

Mr. TAYLOR of Mississippi moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 4205 be instructed to insist upon the provisions contained in section 725, relating to the Medicare subvention project for military retirees and dependents, of the House bill.

The SPEAKER pro tempore. The question is on the motion to instruct conferees offered by the gentleman from Mississippi (Mr. TAYLOR).

Further one minutes will be at the end of legislative business.

The vote was taken by electronic device, and there were—yeas 416, nays 2, answered ''present'' 1, not voting 15, as follows:

[Roll No. 444]

YEAS—416

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
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
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
Stump
Stupak
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Vitter
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (FL)

NAYS—2

Sanford
Thomas

ANSWERED ''PRESENT''—1

Buyer

NOT VOTING—15

Baird
Barton
Ewing
Gilman
Hunter
Jenkins
Jones (OH)
Kasich
McIntosh
Smith (MI)
Smith (WA)
Sununu
Vento
Wolf
Young (AK)

1054

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. SMITH of Michigan. Mr. Speaker, on rollcall No. 444, I was inadvertently detained in a Budget meeting with Mr. Dan Crippen and Mr. Pete DuPont on solvency problems of Social Security, and Medicare. Had I been present, I would have voted ''yea.''

Mr. SUNUNU. Mr. Speaker, on rollcall No. 444, I was detained in a Budget Hearing on Social Security. Had I been present, I would have voted ''yea.''

MOTION TO CLOSE CONFERENCE COMMITTEE MEETINGS ON H.R. 4205, FLOYD D. SPENCE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2001, WHEN CLASSIFIED NATIONAL SECURITY INFORMATION IS UNDER CONSIDERATION

Mr. SPENCE. Mr. Speaker, I offer a motion.

THE SPEAKER pro tempore (Mr. HAYES). The Clerk will report the motion.

The Clerk read as follows:

Mr. SPENCE moves, pursuant to clause 12 of House rule XXII, that the meetings of the conference between the House and the Senate on H.R. 4205 may be closed to the public at such times as classified national security information may be broached, provided that any sitting Member of Congress shall be entitled to attend any meeting of the conference.

THE SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina (Mr. SPENCE).

On this motion, the vote must be taken by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 411, nays 9, not voting 14, as follows:

[Roll No. 445]

YEAS—411

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Deal
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
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson, E.B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntyre
McKeon
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
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
Watts (OK)
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Woolsey
Wu
Wynn
Young (FL)

NAYS—9

Blumenauer
DeFazio
Jackson (IL)
Kucinich
Lee
McKinney
Miller, George
Stark
Watt (NC)

NOT VOTING—14

Barton
Buyer
Conyers
Davis (VA)
Ewing
Franks (NJ)
Gilman
Hall (OH)
Jenkins
McIntosh
Smith (WA)
Vento
Wolf
Young (AK)

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So the motion was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. HAYES). Without objection, the Chair appoints the following conferees:

From the Committee on Armed Services, for consideration of the House bill and the Senate amendment, and modifications committed to conference:

Messrs. SPENCE, STUMP, HUNTER, KASICH, BATEMAN, HANSEN, WELDON of Pennsylvania, HEFLEY, SAXTON, BUYER, Mrs. FOWLER, and Messrs. MCHUGH, TALENT, EVERETT, BARTLETT of Maryland, MCKEON, WATTS of Oklahoma, THORNBERRY, HOSTETTLER, CHAMBLISS, SKELTON, SISISKY, SPRATT, ORTIZ, PICKETT, EVANS, TAYLOR of Mississippi, ABERCROMBIE, MEEHAN, UNDERWOOD, ALLEN, SNYDER, MALONEY of Connecticut, MCINTYRE, Mrs. TAUSCHER, and Mr. THOMPSON of California.

Provided that Mr. KUYKENDALL is appointed in lieu of Mr. KASICH for consideration of section 2863 of the House bill, and section 2862 of the Senate amendment, and modifications committed to conference.

From the Permanent Select Committee on Intelligence, for consideration of matters within the jurisdiction of that committee under clause 11 of rule X:

Messrs. GOSS, LEWIS of California, and DIXON.

Provided that Mr. MCHUGH is appointed in lieu of Mr. SCARBOROUGH for consideration of section 1073 of the Senate amendment, and modifications committed to conference.

From the Committee on House Administration, for consideration of sections 561–563 of the Senate amendment, and modifications committed to conference:

Messrs. THOMAS, BOEHNER, and HOYER.

From the Committee on International Relations, for consideration of sections 1201, 1205, 1209, 1210, title XIII, and 3136 of the House bill, and sections 1011, 1201–1203, 1206, 1208, 1209, 1212, 1214, 3178, and 3193 of the Senate amendment, and modifications committed to conference:

Messrs. GILMAN, GOODLING, and GEJDENSON.

From the Committee on the Judiciary, for consideration of sections 543 and 906 of the House bill and sections 506, 645, 663, 668, 909, 1068, 1106, Title XV, and Title XXXV of the Senate amendment, and modifications committed to conference:

Messrs. HYDE, CANADY of Florida, and CONYERS.

From the Committee on Resources, for consideration of sections 312, 601, 1501, 2853, 2883, and 3402 of the House bill, and sections 601, 1059, title XIII, 2871, 2893, and 3303 of the Senate amendment, and modifications committed to conference:

Messrs. YOUNG of Alaska, TAUZIN, and GEORGE MILLER of California.

From the Committee on Commerce, for consideration of sections 601, 725, and 1501 of the House bill, and sections 342, 601, 618, 701, 1073, 1402, 2812, 3133, 3134, 3138, 3152, 3154, 3155, 3167–3169, 3171, 3201, and 3301–3303 of the Senate amendment, and modifications committed to conference:

Messrs. BLILEY, BARTON of Texas, and DINGELL.

Provided that Mr. BILIRAKIS is appointed in lieu of Mr. BARTON of Texas

for consideration of sections 601 and 725 of the House bill, and sections 601, 618, 701, and 1073 of the Senate amendment, and modifications committed to conference.

Provided that Mr. OXLEY is appointed in lieu of Mr. BARTON of Texas for consideration of section 1501 of the House bill, and sections 342 and 2812 of the Senate amendment, and modifications committed to conference.

From the Committee on Education and the Workforce, for consideration of sections 341, 342, 504, and 1106 of the House bill, and sections 311, 379, 553, 669, 1053, and Title XXXV of the Senate amendment, and modifications committed to conference:

Messrs. GOODLING, HILLEARY, and Mrs. MINK of Hawaii.

From the Committee on Government Reform, for consideration of sections 518, 651, 723, 801, 906, 1101–1104, 1106, 1107, and 3137 of the House bill, and sections 643, 651, 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1069, 1073, 1101, 1102, 1104, 1106–1118, Title XIV, 2871, 2881, 3155, and 3171 of the Senate amendment, and modifications committed to conference:

Messrs. BURTON of Indiana, SCARBOROUGH, and WAXMAN.

Provided that Mr. HORN is appointed in lieu of Mr. SCARBOROUGH for consideration of section 801 of the House bill and sections 801, 806, 810, 814–816, 1010A, 1044, 1045, 1057, 1063, 1101, Title XIV, 2871, and 2881 of the Senate amendment, and modifications committed to conference.

From the Committee on Science, for consideration of sections 1402, 1403, 3161–3167, 3169, and 3176 of the Senate amendment, and modifications committed to conference:

Messrs. SENSENBRENNER, CALVERT, and GORDON.

Provided that Mrs. MORELLA is appointed in lieu of Mr. CALVERT for consideration of sections 1402, 1403, and 3176 of the Senate amendment, and modifications committed to conference.

From the Committee on Transportation and Infrastructure, for consideration of sections 601, 2839, and 2881 of the House bill, and sections 502, 601, and 1072 of the Senate amendment, and modifications committed to conference:

Messrs. SHUSTER, GILCHREST, and BAIRD.

Provided that Mr. PASCRELL is appointed in lieu of Mr. BAIRD for consideration of section 1072 of the Senate amendment, and modifications committed to conference.

From the Committee on Veterans' Affairs, for consideration of Sections 535, 738, and 2831 of the House bill, and sections 561–563, 648, 664–666, 671, 672, 682–684, 721, 722, and 1067 of the Senate amendment and modifications committed to conference:

Messrs. BILIRAKIS, QUINN, and Ms. BROWN of Florida.

From the Committee on Ways and Means, for consideration of section 725 of the House bill, and section 701 of the Senate amendment, and modifications committed to conference:

Messrs. ARCHER, THOMAS, and STARK.

There was no objection.

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PRIVILEGES OF THE HOUSE—INFRINGEMENT ON CONSTITUTIONAL PREROGATIVES

Mr. ARCHER. Mr. Speaker, in order to assert the constitutional prerogatives of the House, I rise to a question of privileges of the House, and I offer a resolution.

The SPEAKER pro tempore (Mr. MILLER of Florida). The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 568

Resolved, That the conference report accompanying H.R. 4516, making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes, in the opinion of this House, contravenes the first clause of the seventh section of the first article of the Constitution of the United States and is an infringement of the privileges of this House and that such bill be respectfully recommitted to the committee of conference.

The SPEAKER pro tempore. The resolution constitutes a question of the privileges of the House.

MOTION TO TABLE OFFERED BY MR. GOSS

Mr. GOSS. Mr. Speaker, I offer a preferential motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. GOSS moves to table House Resolution 568.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Florida (Mr. GOSS).

PARLIAMENTARY INQUIRIES

Mr. RANGEL. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, does this motion to table set aside the constitutional protection that all revenue matters should be coming initially and originate from the House of Representatives?

The SPEAKER pro tempore. Adoption of a nondebatable motion to table constitutes a final disposition of the resolution by the House.

Mr. RANGEL. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. RANGEL. Mr. Speaker, if indeed the motion to table prevails, would it not, from a historic sense, be the first time, based on parliamentary decisions, it would be the first time that a tax revenue issue would be raised by the other body, and then come over here and this body be disregarded? That is the parliamentary inquiry.

The SPEAKER pro tempore. Under the precedents of the House, the Chair does not put things in historical perspective. That is not a parliamentary inquiry.

Mr. RANGEL. Mr. Speaker, I have another parliamentary inquiry. If the motion to table prevails, does it not mean that the other body has violated the Constitution of the United States?

The SPEAKER pro tempore. Adoption of a nondebatable motion to table constitutes a final disposition of the pending resolution by the House.

The SPEAKER pro tempore. The question is on the motion to table offered by the gentleman from Florida (Mr. GOSS).

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

RECORDED VOTE

Mr. RANGEL. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 213, noes 212, not voting 10, as follows:

[Roll No. 446]

AYES—213

Aderholt	Franks (NJ)	McInnis
Armey	Frelinghuysen	McKeon
Bachus	Gallegly	Metcalf
Baker	Ganske	Mica
Ballenger	Gekas	Miller (FL)
Barr	Gibbons	Miller, Gary
Barrett (NE)	Gilchrest	Moran (KS)
Bartlett	Gillmor	Morella
Bass	Goode	Myrick
Bateman	Goodlatte	Nethercutt
Bereuter	Goodling	Ney
Biggert	Goss	Northup
Bilbray	Graham	Norwood
Bilirakis	Granger	Ose
Bliley	Green (WI)	Oxley
Blunt	Greenwood	Packard
Boehlert	Hansen	Paul
Boehner	Hastert	Pease
Bonilla	Hastings (WA)	Peterson (PA)
Bono	Hayes	Petri
Brady (TX)	Hayworth	Pickering
Bryant	Hefley	Pitts
Burr	Herger	Pombo
Burton	Hill (MT)	Porter
Buyer	Hilleary	Portman
Callahan	Hobson	Pryce (OH)
Calvert	Hoekstra	Quinn
Camp	Horn	Radanovich
Canady	Hostettler	Regula
Cannon	Houghton	Reynolds
Castle	Hulshof	Riley
Chabot	Hunter	Rogan
Chambliss	Hutchinson	Rogers
Chenoweth-Hage	Hyde	Rohrabacher
Coble	Isakson	Ros-Lehtinen
Coburn	Istook	Roukema
Collins	Johnson (CT)	Royce
Combest	Johnson, Sam	Ryan (WI)
Cook	Jones (NC)	Ryun (KS)
Cooksey	Kasich	Salmon
Cox	Kelly	Sanford
Crane	King (NY)	Saxton
Cubin	Kingston	Scarborough
Cunningham	Knollenberg	Schaffer
Deal	Kolbe	Sensenbrenner
DeLay	Kuykendall	Sessions
DeMint	LaHood	Shadegg
Diaz-Balart	Largent	Shaw
Dickey	Latham	Shays
Doolittle	LaTourette	Sherwood
Dreier	Lazio	Shimkus
Duncan	Leach	Shuster
Dunn	Lewis (CA)	Simpson
Ehlers	Lewis (KY)	Skeen
Ehrlich	Linder	Smith (MI)
Emerson	LoBiondo	Smith (NJ)
English	Lucas (OK)	Smith (TX)
Everett	Manzullo	Souder
Fletcher	Martinez	Spence
Foley	McCollum	Stearns
Fossella	McCrery	Stump
Fowler	McHugh	Sununu

Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Young (AK)
Young (FL)

NOES—212

Abercrombie
Ackerman
Allen
Andrews
Archer
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Campbell
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Gutknecht
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Barton
Davis (VA)
Ewing
Gilman
Hall (OH)
Jenkins
McIntosh
Smith (WA)
Vento
Wolf

1152

Messrs. HILL of Montana, GREENWOOD, PAUL, METCALF, Mrs. EMERSON, and Messrs. RADANOVICH, SANFORD, and JONES of North Carolina changed their vote from ''no'' to ''aye.''

So the motion to lay on the table House Resolution 568 was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 564 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 564

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 4865) to amend the Internal Revenue Code of 1986 to repeal the 1993 income tax increase on Social Security benefits. The bill shall be considered as read for amendment. All points of order against the bill and against its consideration are waived. The amendment recommended by the Committee on Ways and Means now printed in the bill shall be considered as adopted. The previous question shall be considered as ordered on the bill, as amended, and on any further amendment thereto to final passage without intervening motion except: (1) one hour of debate on the bill, as amended, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means; (2) the further amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Pomeroy of North Dakota or his designee, which shall be in order without intervention of any point of order, shall be considered as read, and shall be separately debatable for one hour equally divided and controlled by the proponent and an opponent; and (3) one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. MILLER of Florida). The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY); pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, the legislation before us is a structured rule providing for the consideration of H.R. 4865, the Social Security Benefits Tax Relief Act. The rule provides for 1 hour of debate, equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule waives all points of order against the bill and against its consideration.

The rule provides that the amendment recommended by the Committee on Ways and Means, now printed in the bill, shall be considered as adopted. The rule provides for consideration of the amendment in the nature of a substitute, printed in the Committee on Rules report accompanying the resolution, if offered by the gentleman from North Dakota (Mr. POMEROY) or his designee, which shall be considered as read and shall be separately debatable for 1 hour, equally divided by the proponent and an opponent. The rule waives all points of order against the amendment in the nature of a substitute.

Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, passage of this rule will allow the House of Representatives to consider important bipartisan legislation to repeal a misguided tax on Social Security benefits. For most of the program's existence, Social Security has been exempt from Federal income tax. But in 1993, as part of the largest tax increase in American history, President Clinton and Vice President GORE proposed a tax increase on Social Security benefits. They claimed this tax would reduce the Federal budget deficit, at which time it was $255 billion.

The controversial Clinton-Gore proposal was vigorously debated in this House of Representatives. Opponents of the plan argued that control of Federal spending, not tax increases, was a better way to reduce the budget deficit. At the end of the debate, the Clinton-Gore proposal was passed by a single vote in the Democrat-controlled House. Not one Republican voted for this proposal. In the Senate, Vice President GORE cast the deciding vote, enabling President Clinton to sign this tax increase on senior citizens into law.

Despite passage of the Clinton-Gore tax increase, budget deficits continued, and the money collected from the Social Security tax increase funded even more government spending, with deficits increasing. In 1994, the Republican Party became the majority party for the House and the Senate for the first time in 50 years. The Republican Congress enacted much-needed tax relief, controlled government spending, and passed the first balanced budget in a generation.

Tax cuts and fiscal responsibility, along with the hard work of the American people, have caused the Federal budget to become balanced faster than was forecast. This year, the Federal budget has a surplus of $233 billion. Even proponents of the 1993 Social Security tax increase should agree it is now time to repeal this tax on senior citizens. Proponents said it was necessary to cut the deficit, and now the deficit is gone.

This Social Security tax is more than unnecessary, it is bad and unwise tax policy. It penalizes seniors who work and discourages Americans from saving. The tax is also unfair. It changes tax policy in the middle of the game, penalizing recipients who based past work and saving decisions on old law.

1200

In essence, this tax on Social Security benefits tells Americans not to save because if they do they will have their benefits of Social Security taxed.

I am troubled that our national savings rate is at an all-time low. In fact, private savings are actually a net negative at this time.

It is clear to me that as long as we have a tax on Social Security and one that does not encourage savings and investment, we are going to have a problem with the national savings rate.

Opponents will argue that this tax is for the rich. This is simply not the case. This tax affects seniors who make more than $25,000 if they are single or $32,000 if they are married. Mr. Speaker, that is not exactly the rich of America. It is called the middle class of America.

Furthermore, these income levels are not indexed for inflation, meaning more and more lower-income people will be impacted by this tax every year.

According to the Congressional Budget Office, 10 million beneficiaries are hit by this tax this year, and more than 17.5 million beneficiaries will be hit in 2010. The average tax this year is $1,180. It will grow to $1,359 in the year 2010.

Opponents will also argue that repealing the Clinton-Gore tax increase on Social Security benefits will weaken Medicare. This is also not the case.

The legislation requires that funds from general revenue will be transferred to offset to the penny the amount being generated by the Social Security tax, thus maintaining Medicare's current financing.

Mr. Speaker, with passage of this underlying legislation, Congress says that Social Security recipients should not be penalized for retirement and savings through an IRA or a 401(k) plan or for taking a part-time job after retiring.

The gentleman from Texas (Chairman ARCHER) from the Committee on Ways and Means aptly stated to us in the Committee on Rules yesterday when he sought this rule, the only people that pay this tax are those who saved during their lifetimes or those who will be working.

Clearly, this is unfair and must be changed.

That is what this debate is about, and that is what this rule is about.

Mr. Speaker, I urge my colleagues to support this rule so that the House may consider this legislation to reduce the unwise tax on our senior citizens, the Social Security benefits tax.

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

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

Mr. Speaker, I thank my dear friend, the gentleman from Texas (Mr. SESSIONS), for yielding me the customary half hour.

Mr. Speaker, I would like to begin by thanking my Republican colleagues for making the Pomeroy-Green-Capuano Democratic alternative in order. Because they make their amendment in order, this rule will enable us to choose between helping the very rich and everyone else.

My Republican colleagues have a bill that pretends to help seniors but actually does nothing whatsoever for 80 percent of them. Furthermore, Mr. Speaker, it endangers Medicare.

The average Social Security benefit is $804 per month for individuals and $1,348 for married couples. These people, as well as middle-income Social Security beneficiaries, will get nothing from this Republican bill.

Instead this bill, like so many before, will cut taxes for the richest Americans. In this case it is the richest 20 percent of the Social Security beneficiaries.

The Republican bill repeals part of the 1993 deficit reduction law that raises the threshold for taxation of benefits to 85 percent. The funds raised should go into the Medicare Trust Fund. But this Republican bill will not do that.

My Republican colleagues criticize the Clinton administration for this 1993 deficit reduction measure. But, Mr. Speaker, I would like to remind my colleagues that in 1983 it was none other than Ronald Reagan and George Bush who put this law into being, the previous threshold of taxing 50 percent of the benefits.

So, Mr. Speaker, in addition to being unfair, repealing this provision is unwise. The revenues gained under current law are a dedicated source of revenue for a Medicare program. Over the next 10 years, this provision will raise $117 billion for Medicare.

Mr. Speaker, it is very risky at this time to jeopardize the future security of Medicare, particularly when the risk is taken just to make the rich a little bit richer.

My colleagues may say that we will make up those lost revenues with money from the general fund. But, Mr. Speaker, I have been here long enough to know that today's surplus can very easily end up as tomorrow's deficit and that it is not worth taking the risk of leaving seniors without Medicare coverage.

Mr. Speaker, American seniors want real legislation. American seniors want their Medicare safe, and they do not want the surplus squandered to fund Republican schemes to make the rich richer.

I urge my colleagues to take a good look at this and support the Pomeroy-Green-Capuano substitute.

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

Mr. SESSIONS. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Mr. Speaker, I thank my friend for yielding me the time.

Mr. Speaker, I would like to begin by congratulating my friend, the gentleman from Dallas, Texas (Mr. SESSIONS), for his superb statement in which he gave an account of the testimony that the gentleman from Texas (Chairman ARCHER) delivered before the Committee on Rules on the very important aspects of this measure.

I would also like to compliment my dear friend, the gentleman from South Boston (Mr. MOAKLEY), the ranking minority member of the Committee on Rules, for the first sentence of his statement in which he congratulated us on making sure that the Democratic substitute was in order.

The rest of his statement was baloney; but the first sentence was actually very good, and it should be congratulated.

I would like to say that we are in the midst of doing some very, very important work here. We hear the President say, do not send another risky tax scheme bill or tax cutting binge, as John Podesta called it, they have all these great names for it, do not send all these bills that basically allow the American people to keep more of their hard-earned dollars down to the White House because they will veto it.

And we look at the litany of measures that the President has said that he was going to veto in the past, including that very important Education Flexibility Act and the Teacher Empowerment Act, which take power from Washington, D.C., and turn it back for decision-making at local school boards and in the State legislatures and local governments. The President was going to veto that; and, sure enough, he signed it.

National missile defense is something that we regularly talk about, I am happy to say, in somewhat of a bipartisan way. The President was determined to veto that measure. He said he was absolutely going to veto it. And what did he do? He ended up signing it.

Welfare reform. We all know that he twice vetoed it. And then a virtual identical bill he signed. We are just now seeing the tremendous accounts of those benefits based on the work of our colleague, the gentlewoman from Connecticut (Mrs. JOHNSON), to the welfare reform that has been put into place. We have seen tremendous improvements all the way across the board.

So these are measures which the President said he was going to veto and he signed them.

Similarly, when he said, do not send another tax cutting bill down here because I am going to veto it, I think we have a responsibility to do our work. And this is one of those very, very important measures.

Back in 1993, we saw the arguments made that the way that we could balance the budget would be to impose the largest tax increase in American history. I know my Democratic colleagues like to call this the balanced budget measure.

The fact of the matter is it was the largest tax increase in American history, and it is a measure which did have not one single Republican vote in favor of it, neither the House nor the

Senate. They love to argue that. I am proud of the fact that I did not vote for that bill. And we call it the Gore tax because it was decided by a single vote in the other body and that was the vote that was cast by the Vice President, AL GORE, in favor of the increase.

One of those very important aspects of that massive tax increase bill was the one that said to senior citizens that, if we do not repeal this measure over the next year, 8 million will be paying an additional $1,180 in taxes on their Social Security benefits. We saw this increased from 50 percent to 85 percent.

I will tell my colleagues, as my friend, the gentleman from Dallas, Texas (Mr. SESSIONS), has said in recounting the statement of the chairman of the Committee on Ways and Means before our Committee on Rules, do we not want to encourage people to plan for their retirement? Did we not, with only 24 Members, all Democrats voting against the measure but everyone else supporting it, pass a measure which said that we should increase from $2,000 to $5,000 the contributions to individual retirement accounts, expanded 401(k)s?

These are the things we are trying to do to encourage people to plan for retirement. But what is it we do with the measure we have got here? We say to people they are rewarded if they do not plan for retirement; and they in fact are penalized if they do plan for retirement and have a little bit of success. That is what the Democratic substitute, which I happily made in order, will be considering.

This argument that my friend, the gentleman from South Boston (Mr. MOAKLEY), put out about jeopardizing Medicare and hospital insurance, the Hospital Insurance Fund is protected, and it is guaranteed to be solvent. The provisions that are in our measure are also in the Democratic substitute. So that really is a red herring that has been put out there.

This is a responsible measure. It allows hard-working Americans who have been forced throughout their entire lifetime through no choice of their own to pay into the Social Security system to have a chance to keep some of their own hard-earned money. And we want to encourage people to save for their retirement.

So we are doing the right thing. We have got a surplus. Why do we not do what they said they were going to do when they passed the massive tax increase, balance the budget?

Now that we have done that, let us go ahead and repeal that tax. I suspect we are going to do it in a bipartisan way. Democrats and Republican alike are supportive of this. And at the end of the day, I hope very much that President Clinton will sign the measure.

So I thank my friend for his very, very fine statement and his leadership on this issue.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Speaker, I appreciate the courtesy of the gentleman in yielding me the time.

Mr. Speaker, as we were listening to the selective memory of history, we would not have a surplus today to be dealing with if we had not had some very difficult budget cutting and tax increasing under both George ''Read My Lips'' Bush and President Clinton. But those difficult decisions were made to try and put us in a position of fiscal responsibility.

Now, under the Republican scheme of a tax cut du jour, we are slowly seeing this fiscal responsibility chipped away. The most recent one under the proposal before us today would cost $113 billion over the next 10 years from the Medicare Trust Fund, a trust fund that does not have adequate money to deal with it over time despite the fact we are going to double the number of senior citizens drawing upon it over the course of the next 30 years.

These are the folks that passed a budget resolution that talks about budget austerity. And then we watch day after day, week after week as they ignore that budget resolution and move off into the ether fiscal land.

But I am less concerned about individual cuts. I am happy to consider adjustments for people who need it in terms of cutting taxes, making budget adjustments. But my question is, when are we going to listen to the people who need help the most?

We have heard about the so-called inheritance tax, the death tax chipping away. They make adjustments for 47,000 American families who are at the top end of the spectrum, but they refuse to have meaningful relief for the one-third of the senior citizens without prescription drug benefits who are now paying the highest prices in the world.

If we are going to talk about people who are having their estates chipped away, let us talk about the 300,000 senior citizens who are now in nursing homes who are having their estates chipped away to deal with the $2,000 minimum.

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If you want to help somebody, let us get our priorities straight, not have a continual series of proposals to help the people who are least in need and you continue to ignore those people who need help the most. I strongly urge that we redirect our priority, and before we do more tax cutting du jour for the most privileged, that we might do something for the people who need it the most.

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

As usual in this great body we have people who represent the tax collectors. We have just heard witness of the importance of being a tax collector and how the Federal Government has to have this money. We also have advocates like the gentleman from California (Mr. DREIER), who represent the taxpayer, the middle class of this country who pay the taxes who are trying to get back what is owed them.

Mr. Speaker, I yield such time as he may consume to the gentleman from The Woodlands, Texas (Mr. BRADY), who represents the taxpayer also.

Mr. BRADY of Texas. Mr. Speaker, I want to thank the gentleman from Texas for his leadership on this important issue.

This is not very complex, Mr. Speaker. This is about certain principles. All the bills that we vote on here in Washington, it is not about Hollywood, it is not about white papers and policy positions. To my way of thinking, we are talking about real people and what type of signal we send them in everything we do here in Washington. This is legislation where again we send a signal to people.

In Washington, we like to discourage people from doing the right thing. For some reason we have got a tax code that punishes people who do the right thing. People who go to school to get a job and a skill, those who marry, those who work hard, maybe invest some money for their own retirement, who put their money together perhaps and with their spouse work hard to have a small business, people who save for retirement who have a dream that someday their kids will go to college and they will get everyone settled in and they will have some time for themselves after all these years. Those are the people that we tax the highest and regulate the most. We discourage them from doing the right thing.

My fear is that people are going to stop doing things that they are punished for. Young people are smart these days. They figure out that if government is going to take care of me, why should I go that extra mile? Why should I work hard? Why should I save? Why should I dream about a retirement? Because Uncle Sam is going to take care of me. We all know that is not the case anymore. We know that it always comes back to you and me and our actions. That determines our type of life.

What we are doing here today is encouraging people to save. We are encouraging people to dream about their retirement and to save for it. And if they have invested at this point in their life and they are either elderly or they are widowed, they do not have the spouse that has been with them so long, or perhaps they are disabled, what we are saying here is we do not think it is right and we do not think it is fair to tax people because they have saved, because they have put money away, because maybe they started a small business or maybe they kept their family farm going.

By the way, we are not taxing them to put that money back into Social Security. Absolutely not. We are diverting it for other uses, some of it to Medicare, most of it diverted to other uses up here.

So you have got to ask, will there be an impact from this? Will there be a

cost from this repeal? Absolutely. We cannot afford more $900 hammers. Maybe we will not be able to afford the 450th different education program. Maybe we will have to have one less. Maybe we cannot have as many different agencies that all do exactly the same thing and do not talk to each other. There will be a cost to it because you have to do this responsibly.

From my way of thinking, setting a priority on seniors, on the disabled, on widows, on survivors who have worked hard to do the right thing is the right thing to do for America.

Just to make a point, people tell you that this is taxing and a repeal for the wealthy. Only in Washington are you wealthy if you make $30,000 or so a year. $30,000 does not go very far these days. You look at, especially seniors, a lot of them are raising their grandchildren these days. People start families earlier. It is not unusual to have them in college. Look at all the costs of living anymore. Only in Washington would we tell you that you are wealthy and rich if you have saved and make about $30,000 a year. That is wrong. We know in the real world that people need every help they can to make ends meet every month.

This repeal is the right thing to do for America. It is right on principle and encourages the things that help build America and help all of us try to reach our dream in retirement.

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

The current speaker talked about $30,000 is not a lot of money. We know that. The Democratic alternative exempts a couple of $100,000 or less. We are raising it from $30,000 to $100,000.

Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. GREEN), coauthor of the amendment.

(Mr. GREEN of Texas asked and was given permission to revise and extend his remarks.)

Mr. GREEN of Texas. Mr. Speaker, I rise in support of the rule and thank my colleagues on the Committee on Rules, both the Democrats and Republicans, for providing an opportunity to have an alternative to the Social Security tax cut. I have to admit, though, only in Washington-speak would the 1993 tax be called the Clinton-Gore tax and yet the 1983 tax that was 50 percent is not called the Reagan-Bush tax. Mr. Speaker, I think our folks are smart enough to understand that.

The argument, our Committee on Ways and Means chairman said yesterday, at the Committee on Rules is so correct, the argument we have is, We have a surplus; let's provide some tax cuts. Now that we have that surplus, let's do that. Well, that is great. The problem is this bill does not do that.

What this bill does is it takes the money out of the Medicare trust fund and it says, over the next year, we will try to put it back in, but each Congress is going to make that decision. That is why the substitute is the best way to go.

There are a number of reasons for that. The Republican bill is financially irresponsible. It takes money away from the Medicare trust fund, and it does not give any assurances that that money that it takes out will be put back. The Democratic substitute we have is more cost effective. It costs about $46 billion less than the Republican bill; but what it does is actually, as my ranking member on the Committee on Rules said, it raises the amount from $30,000 to $80,000 for individuals and from $44,000 to $100,000 for couples. We are taking away those low tax brackets for seniors and that is great. But my Republican colleagues never talk about the 50 percent that they are still going to be paying.

The Democratic substitute is more responsible. It provides a targeted tax cut to those who need it most, and it does not bust the Federal budget like a lot of their tax cuts do. It is a financially responsible middle ground.

The so-called surplus mentioned by the Republicans is based on current law, not the billions that we have seen pass this House over the last number of months. My concern is that this year's surplus is already spent with the current Republican spending rates. The Democratic substitute protects Social Security and Medicare. It does not pretend to give seniors one thing out of one pocket and take it away from them in the other.

We prohibit the use of the Social Security trust surplus for this tax cut. So oftentimes in Washington we do that. We use Social Security money to pay for lots of things, including tax cuts. The other thing it does is it makes sure that that money will go to Medicare. It will go to the Medicare trust fund.

I want a tax cut. All of us want a tax cut. But let us not punish the seniors who depend on Medicare. I have to admit to my colleague from Texas, I do not represent any tax collectors. He probably represents more IRS employees than I do. He has a higher income district. I represent lots of taxpayers, but there are also a lot of people who depend on Medicare to make sure they can survive.

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

For the record I would like to point out to the gentleman, my friend from Texas, that the report that the Committee on Ways and Means worked off of, a report that the Committee on Rules relied upon, and I would like to read from that in a letter that came directly to Chairman ARCHER from the Congressional Budget Office. It says: ''Under current law, the revenues affected by the bill are credited to Medicare's hospital insurance trust fund. The bill would maintain those intergovernmental transfers which would have no net effect on the budget.''

The gentleman from Texas implied that there would be a problem where we would not fully fund the programs. The money will be taken directly out of general revenues. This is a projection that will go until 2024. As the speaker is well aware, this Republican Congress has passed a law in our budget which would do away with the debt of this country, we are going to pay down the debt by the year 2012.

We believe that this is a responsible way to address the problems of this country. We simply do not believe that people who are senior citizens should have to wait 20 more years until they have an opportunity to receive this opportunity to put more money in their pockets. We believe in what we are doing. This is a bipartisan bill.

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

Mr. MOAKLEY. Mr. Speaker, I yield 2½ minutes to the gentleman from Wisconsin (Mr. KIND).

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

Mr. KIND. I thank my friend from Massachusetts for yielding me this time.

Mr. Speaker, I rise today in opposition to the bill before us today and in strong support of the substitute being offered on our side. Mr. Speaker, here we are in Washington in the middle of July, but one would think with the legislation before us that it is the middle of the winter because we have been hit with a veritable blizzard of large tax-cutting measures, the closer we get to election day. My constituents in western Wisconsin, honestly know a snowjob when they see it. Unfortunately, I think this is just another of a series of election-year politics, playing politics with future budget surpluses, because that is what this debate is really about, what is the best priority use of future budget surpluses if, in fact, they do materialize.

There is a clear difference between the two parties on this. I came to Washington, Mr. Speaker, with a lot of concern in regards to the $5.7 trillion national debt. I am the father of two little boys who are just 4 and 2, and I refuse to support policies that are going to make it more difficult for us to eliminate this legacy of debt that we are due to pass on to future generations unless we have the courage to resist large tax cuts now and use the money for debt reduction and shoring up Social Security and Medicare.

The series of tax cuts when you put them all together would virtually consume every last cent of projected budget surpluses if in fact they materialize at all. There is no guarantee that they will. But let us talk for a minute about the policy implications of these series of tax cuts, and who better to listen from than the Chairman of the Federal Reserve Board, Chairman Greenspan. This is basic Macroeconomics 101. He has been telling us consistently in his testimony, large tax cuts now are bad economic policy because it will overstimulate the economy and force the Federal Reserve to increase interest rates to slow the economy down. That would be detrimental to all citizens

who need to make home, car, credit card, student loan or other payments. It will also make it more worthy to invest in new capital and create more jobs.

Here are just a couple of statements that Chairman Greenspan said: ''Saving the surpluses if politically feasible is in my judgment the most important fiscal measure we can take at this time to foster continued improvements in productivity.''

Another one: ''We probably would be better off holding off on a tax cut immediately, largely because it is apparent that the surpluses are doing a great deal of good to the economy.''

Perhaps most importantly, Chairman Greenspan said this: ''Lawmakers are counting on unpredictable economic trends to continue producing the budget surpluses they need to pay for their tax cuts. The long-term forecasts are often inaccurate and lead to vast errors in predicting budget deficits and surpluses. You should not commit contingent potential resources to irreversible uses.''

That is exactly what we are doing in these series of tax cuts when you look at them all together. Go slow. We can provide modest tax relief for families who need it but we need to do it in a fiscally responsible way. Let us not bank our future on projected surpluses that may never materialize.

Let me be clear: the House leadership has embarked on a series of tax cuts that will obliterate a surplus that is the hard-won product of nearly 8 years of fiscal discipline.

Taken all the tax cuts offered in this session, over two trillion dollars, they will consume virtually the entire projected budget surplus in the next 10 years and then explode in the second 10 years. Now is not the time to abandon responsible budgeting by spending money before it even comes in the door.

Further, this bill will leave fewer resources for other priorities within the Medicare Program, including extending the solvency of the Medicare trust fund, creating a Medicare prescription drug coverage benefit, investing in education, and providing relief to rural hospitals and other health care providers.

I support the substitute to H.R. 4865. This substitute is fiscally responsible and will provide tax relief for middle income seniors who need the most assistance. Rather than eliminating the tax for all seniors, this proposal sustains the tax on Social Security benefits for individuals who earn more than $80,000 and for couples earning more than $100,000, roughly 95 percent of all seniors are covered under the alternative. Furthermore, this substitute will only go into effect those years in which there is enough of an on-budget surplus to replace lost revenues.

I have always felt that if projected budget surpluses do in fact materialize, we have a number of existing obligations that we must meet, such as paying off our $5.7 trillion national debt, shoring up Social Security and modernizing Medicare with a prescription drug benefit and investing in education. These should be our top national priorities before we pass large tax cuts that will benefit the most wealthy and consume the entire projected budget surplus that may or may not materialize.

If those commitments are given their due priority, then fiscally responsible tax relief can be provided to those struggling families trying to make ends meet. We must not enact risky tax cuts today that will result in harming our seniors and our children tomorrow.

Mr. Speaker, I urge my colleagues to vote against this final bill. America's seniors are depending on us to balance the needs for tax relief with the need for Medicare solvency. We can do both in a fiscally responsible way.

Mr. MOAKLEY. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts (Mr. CAPUANO), the cosponsor of the amendment.

Mr. CAPUANO. Mr. Speaker, I rise first of all to thank the Committee on Rules for making the Democratic substitute in order. I appreciate their ability and their willingness to at least let us have a moment of time. I guess I want to just talk about a couple of things. First of all, I would like to point out what I think are the two most important differences between the substitute and the main bill. Certainly it is a matter of priorities. We do believe that if tax cuts are going to go in, they should go to those who need it the most.

I do not think anyone can argue that people making over $100,000, of which every Member of this House is one, including myself, that anyone can argue that that is anything other than well off and that they do not need the extra help.

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That is number one; that is a philosophical issue. But I understand people can disagree on that.

The second one that they cannot disagree on that has been called a red herring but it certainly is not, the difference between the Democratic proposal and the Republican proposal is that under current law and what we want to keep are the monies going to Medicare from this tax are from a dedicated revenue stream.

Under the proposal as before us, without the substitute, it is simply a political promise, that we promise we will keep doing this.

Well, I hate to say it, but I do not think most Americans trust us all that much, and I for one, would like to make sure that my mother, my wife and my children do not have to rely on the promises of future politicians. I want to make sure that they can rely on a dedicated revenue stream to make sure that Medicare is sound and healthy for the future. That is the main difference.

The other thing I want to point out, as boldly as I can, and I know it has been mentioned by many people before, but this proposal, neither the Democrat nor the Republican proposal touches line 20(b) on the IRS tax form. Line 20(b) will be there today and will be there tomorrow regardless of what passes, regardless of what the President does, because this proposal does not touch the 1983 law that started taxing Social Security that was passed with 97 Members of a Republican team in favor. Many of those 97 Members are still here today. They voted for that 1983 proposal.

Under today's rules, we should have taken the whole thing, scrapped it, had an honest discussion of what we can afford in tax cuts, targeted those tax cuts who could use it and simplify the entire form. We did not do that. We took a simple political approach to simply say cut taxes, which we are not doing, every senior citizen who is currently taxed under the law that is being proposed to be repealed today will be paying taxes next year, regardless of what the vote is here today.

Line 20(b) will still be there. They will have a few less dollars being taxed, but they will still have to go through the worksheet on page 25 of their instruction booklet, which is complicated as heck, and I challenge anyone here to try to walk through that worksheet, not even part of the form, it is a worksheet, try to do it without professional tax help.

That is why I rise today for the Democratic proposal, and that is why I repeat myself again. I thank the Committee on Rules for giving this a chance.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KANJORSKI).

Mr. KANJORSKI. Mr. Speaker, I thank the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member, for yielding me the time.

Mr. Speaker, I rise in opposition to the rule. Yesterday, myself and three other Members of Congress, the gentlewoman from Missouri (Mrs. EMERSON), the gentleman from New Jersey (Mr. ANDREWS), and the gentleman from Texas (Mr. HALL), all proposed an amendment to this bill. If we are going to spend money, if we are going to reduce taxes, we ought to put in a repair for the notch babies. Those are the individuals in our society that are going to be forgotten. If this bill is passed today in its present context, the money that would be there to fix the notch-baby problem will be gone forever.

I hear my friends on each side talking about whether we are going to give a tax cut to people making millions of dollars in retirement or we are going to reduce it and put a cap on it. I say we have got 3½ million Americans that are 74 years of age to 84 years of age, more than 90 percent of them never meet the beginning cap of taxation. These individuals have been denied more than a thousand dollars a year for many years. If we pass this legislation today, the surplus that everybody talks about, and which has been spent for 2 months in double time so it is questionable whether any surplus is there at all, will be gone. The potential fix of the notch-baby problem will be, as a former commissioner of Social Security, as someone in the Reagan administration told me and Members of Congress when we met with them, fixed by attrition. We are going to wait until they die, and we will not have to fix it.

The message of this Republican Congress to those notch babies should be clear, they will not and do not intend to fix the notch-baby problem. Therefore, those 3½ million Americans that are 74 years of age to 84 years of age, all of which need this money, have been denied this money for 20 years, will now lose it. And the problem will be solved by attrition until they die.

Mr. Speaker, this is ridiculous. It is political, and I urge all my colleagues to vote against the rule and against the proposition to be cutting taxes before we fix fundamental problems with Social Security and Medicare.

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

Mr. Speaker, as usual, we have a disagreement in Washington, the people who caused the debt and the deficit of this country are now trying to cover their holes that they have left in the past.

Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LINDER), my colleague on the Committee on Rules.

Mr. LINDER. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS) for yielding me the time.

Mr. Speaker, I do not expect to convince the gentleman from Pennsylvania (Mr. KANJORSKI) what the truth is about the notch. We all hear about it all every time we do town hall meetings, and we hear about it just after some organization in this town that is raising money that sends letters to everyone born between the years of 1917 and 1921 is saying you are being deprived of your due benefit, if you will send me $10, I will fix it.

Mr. Speaker, I have been here for 7½ years and not one of those organizations has appealed to me to fix it. So I decided to find out what it really was. In 1972, Wilbur Mills is running for President, and he promised to increase the benefits on Social Security by 20 percent. His presidency went down in the Tidal Basin, and Nixon picked it up and he promised it, and they had a huge adjustment in 1972.

They started with people born in 1910 because they were 62 years old and eligible that year for the benefit. In 1977, they discovered they made a huge mistake. They made a calculation error that was going to bankrupt Social Security, and they had to crank it back to an honest formula.

They decided to leave people born between the ages of 1910 and 1916 alone, and those born from 1917 to 1921, 5 years, 1917, 1918, 1919, 1920, 1921, were rolled back a little bit each year for 5 years until they got fairly close to what should have been the right formula, and then they were on the cost-of-living adjustments, the COLAS, for thereafter.

The fact is, that group of people called the notch babies, my mother is one, get a higher benefit, compared to what they paid in under the formula, than those born after them, it is not that they get less. It is that they get more, but they do not get as much as the error made for those born between the ages of 1910 and 1916.

It was a bank error in their favor, and they kept the cash. So any time you hear somebody stand up and talk about the notch babies, understand one thing, that a fund-raising operation in Washington, D.C. looking for high salaries for its managers has just sent out a scary letter to those born in those areas and looking for money to pay their salaries, never do they come to us, never has one single person come to our office and said help us fix the notch.

It does not exist, and the demagoguery we just heard on this issue is an example of scariness.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. KLINK).

Mr. KLINK. Mr. Speaker, it has been interesting listening to the debate, the speech and debate clause of the Constitution has been stretched to its limit this morning. But let me just say something, it is definitive that people born between 1917 and 1926 receive less money than those who were born between 1911 and 1916, and it can be over $200 less.

We are talking about people who are between 74 years of age and 84 years of age. We are talking about people who fought World War II. They are the people that are struggling today to decide whether they are going to be able to buy their medication. They are cutting their pills in half. We have been fighting to give them a serious Medicare drug benefit, all we are saying is let us have a hearing on this matter.

The gentleman from Georgia (Mr. LINDER) had an opinion on the matter, the gentleman from Pennsylvania, my predecessor, and some other Republicans had a different opinion. Let us have a discussion on it. The reality is whether or not there is a notch, whether we need to repair the notch, let us let those people between 74 and 84 know who stands with them and who stands against them, so when they go to the polls, they know who they are going to vote to.

They know whether or not someone wants to fix something that has been done or not. Let us talk about the people who are in the notch. Let them know who is for them and who is not. This rule does not allow that to occur.

Let us talk about historical revisionism. I remember driving in my car when I heard Ronald Reagan make a comment that he was going to decrease taxes; he was going to increase defense spending; and he was going to balance the budget. We all know what happened. In fact, he did decrease taxes. He did increase defense spending. And we went $1 trillion in debt to $5 trillion in debt.

Through the entire history of our Nation, from the American revolution, through two World Wars, through a great Depression, through Vietnam, through the Civil War, we had $1 trillion in public debt. And after 12 years of Bush and Reagan, we had that quadrupled.

They are talking about going back to those times today. This is it, a bad bill. It is a bad rule, and the Members should vote against it.

Mr. SESSIONS. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. BLUNT), the chief deputy whip.

Mr. BLUNT. Mr. Speaker, I thank the gentleman from Texas (Mr. SESSIONS), my friend, for yielding the time to me.

Mr. Speaker, I must admit I came to the floor partly because I was confused by the debate. This is eliminating a tax on people who receive Social Security. That is what this is about. This tax was not on the books before 1993. It is not a tax that people used to pay. It is eliminating a tax for people who draw Social Security.

I came to the floor, as soon as I got here, I heard that the surplus was gone. The deficit in 1995 was $200 billion. The surplus, using those same bookkeeping rules, that we have even moved beyond those rules and do not use those rules any more, is about $250 billion, that is a $500 billion, half a trillion dollar turnaround. We need to rectify these unfair things that have been added to the Tax Code.

We do not need to take this as an excuse to come up with new government programs. We need to figure out how to do our business, the business of government, with the least tax dollars possible. And we certainly do not need to take those tax dollars from people who are drawing Social Security, from people, who, until 1993, did not pay this tax, a tax that is now paid by 10 million Americans, over the next decade that number will grow to 17½ million Americans who receive Social Security will pay this tax that we could eliminate today.

We could begin the process today in the House by eliminating this tax. This is a ticking time bomb. We hear our friends talk about the fact that this tax is only paid by the wealthy. Wealthy, or if you are retired, I guess if you make more than $34,000, you are wealthy and that should be penalized, if you have worked your lifetime, if you have saved money, if you have worked for a pension, and if you make more than $34,000, we are wealthy and should be taxed, if you accept that logic.

People who worked for that pension, who saved that money, who draw Social Security should not be hit with this tax. This is not an amount of money that is adjusted to inflation, and so each year more and more people are hit by a number that has less and less buying power. We can solve this problem today. We can help seniors on fixed incomes who managed to have a decent income, who would not have paid this tax before 1993, in a way that they do not pay this tax in the future.

I support the rule. I support the bill. I am for a long-term discussion of the

problems that relate to Social Security. We can solve those, but let us not solve them by saying that that should be paid for by people on Social Security paying a tax that is extreme and unfair.

Mr. MOAKLEY. Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SPRATT), the ranking member on the Committee on the Budget.

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

Mr. SPRATT. Mr. Speaker, there has been a lot of reference today to the Clinton budget act in 1993. It was preceded by the Bush budget summit in 1990. On that occasion, when that budget summit agreement, which laid the first level of foundation for the successes we have now seen in the budget, in 1990, when it first came to the floor, only 47 Republicans voted for it, even though their President was a signatory to it and helped negotiate it.

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Three years later, because of recession, the deficit had not gone down. It was $290 billion, a record high, and headed up on September 30, 1992. That was the level of the deficit when Bill Clinton came to office on January 20, 1993. On his desk lay an economic report to the President, George Bush, that said over the next 5 years the deficit would hover in that range and exceed $300 billion by 1998.

Well, we got to 1998 and got to 2000, and we did not have those horrendous deficits; and there is a reason, because in 1993 we came over here and stepped up to the problem. There was some features to the package that we passed in 1993 I did not like, they were unpopular to vote for; but, nevertheless, they account for the fact that we now do not have huge deficits, but we have enormous surpluses. Indeed, CBO last reported that we could expect a surplus this year of $219 billion, a swing from $290 billion in deficit, in the red in 1992, to $219 billion this September 30. That is nothing short of phenomenal.

One of the reasons we are out here today to oppose this particular provision, though I will vote to raise the level of the threshold at which this tax is applicable, we are out here to oppose it because we do not want to see our hard-won successes, this huge phenomenal turnaround, obliterated, blown away because nobody is keeping tabs on the budget, because we really do not have, for all practical purposes, a budget.

We have got a table right here that the Committee on the Budget has made up of where we stand at this point in time; and let me walk you through it, because this ought to be the backdrop for today's debate. This is what really concerns us. This is why we are out here in the well of the House taking an unpopular stand for something that is right.

CBO last said in July that the surplus over the next 10 years would be $2.173 trillion. Both sides have agreed that the surplus that accumulates in the Medicaid-HI trust fund over that period of time ought to be backed out and treated separately, just as Social Security is. When you deduct that $361 billion, you are down to a surplus of about $1.8 trillion.

The tax cuts passed thus far, including the one on the floor today, come to a total of $739 billion over 10 years, revenues that will be deducted from the surplus, if indeed they are passed. That is just this year, tax cuts passed by this House this year, $739 billion, including the tax cut today.

Future tax cuts that we can say with certainty will be enacted at one time or another, if not this year. One is the AMT, the alternative minimum tax. We all know that it is drawn in such a way, passed in 1986, that the income threshold is not indexed. Consequently, in the future years, in the very near future, more and more middle-income families for whom this tax was never intended are going to be hit by the AMT, and we will respond. We will change the AMT. So we have taken the AMT correction that you had, the Republicans had in their tax bill last year.

We have also factored in tax provisions in the code, concessions, deductions, credits, preferences, that we know are very popular. They have a short time frame, they are not permanent, and we are assuming that they will be renewed in the future, as they always have been in the past. That is $183 billion of known tax increases in the very near future. That is the tax cut activity, $900 billion that you can easily account for that comes off that surplus of $1.8 trillion.

Look what we have done in spending. If you just take appropriations, considering the fact we have not put a new ceiling on appropriations in any of our budgets, and assume that discretionary spending will increase at a half percent above the rate of inflation, which is a lot less than it has increased in the last 3 years or since 1995, just a half percent, that is $284 billion.

If you assume the mandatory spending increases that have been passed to date, excluding prescription drugs, will become law, that is $54 billion, already passed by this House. If we take the Republican prescription drug bill, their bill, which I do not think you would recant now, CBO's cost estimate of it over 10 years is $159 billion. If we assume that there will be additional farm assistance in the future, as there has been in the past, over the next 10 years I think most people on the Committee on Agriculture would say $65 billion for likely increases and farm protection, given the situation in the farm community, is modest.

Finally, if you put in the Medicare provider restorations, corrections to the Balanced Budget Act of 1997 for providers, hospitals, doctors, who are saying they have been cut to the bone by this bill, both sides are now supporting restoration, that is $40 billion. If you adjust that service $376 billion, guess what? You come to a total of $2.261 trillion. That means you are $88 billion in deficit.

That is what I have come to the well of the House to do today, to take away the punch bowl. Everybody got excited by this big surplus. The party is over. We are already in deficit if we pass this bill. That is the warning I am issuing right now.

Mr. MOAKLEY. Mr. Speaker, I yield 6½ minutes to the gentleman from North Dakota (Mr. POMEROY) to close debate on our side.

Mr. POMEROY. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, I am honored that the ranking member is allowing me to close on behalf of the minority, and I am honored to follow the comments of my friend and colleague, the gentleman from South Carolina (Mr. SPRATT), who has laid out in detail why we believe the plans, the spending and tax plans of the majority, have already placed this into a deficit situation before 10 years are up, take the country's largest surplus ever and put us back into a deficit situation.

That has direct bearing on the issue before us, because under the majority's proposed bill to be considered today, general fund transfers are required to keep the Medicare Trust Fund whole.

What if there are no general fund revenues left? This chart summarizes the detailed information the gentleman from South Carolina (Mr. SPRATT) just covered. As it makes clear, there is a significant question whether general fund revenues will be available; and if they are not available, the Medicare Trust Fund takes a hit.

The substitute offered by the minority in the upcoming debate ensures that the Medicare Trust Fund will be made whole, will be held harmless, by requiring an advance certification before that tax cut takes effect in any given year that there are ample revenues to go into the Medicare Trust Fund to compensate for the revenues lost with the tax reduction.

It is absolutely critical, I think we can all agree, with Medicare already slated for solvency trouble, not to make that problem worse. The plan by the majority jeopardizes the Medicare Trust Fund. The Democrat substitute preserves the trust fund by requiring the advance certification, so vitally important to make sure we maintain solvency.

The Democrat substitute, and I am grateful for the Committee on Rules making it in order, also provides tax relief for 95 percent of the people. As cosponsor of the substitute, in conjunction with the gentleman from Texas (Mr. GREEN) and the gentleman from Massachusetts (Mr. CAPUANO), we have advanced what we believe is a much better way to go as we look at this Social Security tax issue.

Under our bill, we would safeguard the Medicare Trust Fund, as I have just

mentioned, but provide very meaningful tax relief. Under our bill, income for taxation of the Social Security check would be reduced from 85 to 50 percent to households earning up to $100,000 and individuals earning up to $80,000. That means someone on Social Security has their Social Security check and an additional $80,000 for an individual, $100,000 for a couple.

One-third of all people on Social Security today live on their Social Security check. Two-thirds have the Social Security check for most of their income. We are talking about the most affluent 5 percent, the only group that would be excluded from the tax cut offered by the minority.

Now, some might say, why do you not give it to everybody? After all, the most affluent need the break too. We do not think they need the break as badly as we need to apply these revenues in other areas, and we save by our approach, by capping it at the $100,000 per household, we save $40 billion over a 10-year period of time. Just think what you can do to enhance prescription drugs for seniors with $40 billion.

So it is a matter of who needs these resources first, the very most affluent households, as advanced by the majority, or those other households that cannot afford their prescription drug medicine that might benefit from reallocation of those dollars in that area.

So basically that is the choice between the two approaches. The majority approach offers tax relief; the minority approach offers tax relief. The majority approach fails to protect the Medicare Trust Fund; the minority approach protects the Medicare Trust Fund. The majority passes on a significant tax break to the most affluent households in this country; the minority substitute advances meaningful tax relief for 95 percent of the Social Security recipients in this country, leaving only those households earning $100,000 or more in outside income to continue to have 85 percent of their Social Security income considered for taxation.

All in all, as you look at the issue, I think you will have to conclude that there are two ways to approach tax relief in this area, and the Democrat approach, with its protection for the trust fund, with its granting of tax relief to all but the most affluent 5 percent in this country, with the preservation of the $40 billion saved thereby for application on critical priorities like Medicare prescription drug coverage, the Democrat substitute is the better way to go.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to close on behalf of the Republican Party today and thank my colleagues for their vigorous debate on behalf of an issue that is important to seniors in our country.

I am always amazed to see that the party that put the tax on people, on senior citizens of this country, is now trying to defend that tax and say, well, they have to make sure that they have this money so that we do not go into deficit spending.

The fact of the matter is, Mr. Speaker, there will be two bills that will be voted on today: one which is the substitute which was described by the gentleman from North Dakota (Mr. POMEROY), which is an opportunity to have every single Member of this House of Representatives vote today.

Then there will be a second bill, the real bill, the one that does the right thing, the one that is the very same or similar that was just passed in the Senate, where Senator FEINSTEIN, Senator CONRAD, Senator DORGAN, and Senator JOHNSON all voted this last week on the Republican plan, a plan that does the real thing, the plan that says that the average tax of $1,180 that is paid this year, that is going to grow to $1,359 for the average senior citizen in the year 2010, is simply wrong.

We believe it is wrong for people to be taxed at an 85 percent rate for income above $34,000 for senior citizens and $44,000 for couples. We believe that the real bill that will be on the floor today that will pass will be the Republican plan, which is the one that says we do not believe that the burden should be placed on the senior citizens of our country.

We do not believe, as Republicans, that Social Security should be taxed at all. Of course we are different. The difference between the Republican Party and the Democrat Party can once again be seen today. One side is for the taxing of senior citizens, the other is we want to do away with taxes on Social Security.

Mr. Speaker, I am proud of the Republican Party. I am proud of the differences we offer for senior citizens.

Mr. Speaker, I urge my colleagues to vote for this fair rule. I urge my colleagues to weigh and consider the two bills before us, and I urge support of the Republican bill.

Mr. FOLEY. Mr. Speaker, I rise in support of the rule on H.R. 4865, the Social Security Benefits Tax Relief Act. This bill repeals the unfair and punitive tax increase on America's Social Security recipients. This tax increase was included in the Clinton/Gore 1993 Budget Bill, a bill I am happy to say did not receive a single Republican vote in either the House or Senate.

The federal government this year is expected to run a $233 billion surplus. There is absolutely no reason to continue punishing our senior citizens by confiscating their hard earned Social Security benefits.

The 1993 tax increase raised the portion of Social Security benefits subject to income tax from 50 percent to 85 percent for millions of American retirees.

Taxing any portion of Social Security benefits is unfair and immoral. Taxpayers not only pay Social Security taxes from their wages but also are obligated to count as income for tax purposes the wages they never see that have been paid into Social Security. In other words, their wages earned over lifetime and paid into Social Security are taxed twice. This is unconscionable.

The other side is going to tell you that this proposal will destroy the Medicare Hospital Insurance Trust Fund. Nothing could be further from the truth. It is true that these taxes are directed to the Medicare Part A Trust Fund. However, this bill will transfer funds from the general fund to the trust fund to make up for any shortfall from repealing this onerous tax.

Mr. Speaker, let's repeal this unfair tax. It never should have been instituted and its demise is long overdue.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises that Members should avoid personal references to Members of the Senate, other than as sponsors of measures.

The question is on the resolution.

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

Mr. MOAKLEY. 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, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

1300

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

Mr. LINDER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 565 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 565

Resolved, That upon adoption of this resolution it shall be in order to consider the conference report to accompany the bill (H.R. 4516) making appropriations for the Legislative Branch for the fiscal year ending September 30, 2001, and for other purposes. All points of order against the conference report and against its consideration are waived. The conference report shall be considered as read.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Georgia (Mr. LINDER) is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. FROST), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, H. Res. 565 is a rule providing for consideration of H.R. 4516, the conference report for the Legislative Branch Appropriations bill for fiscal year 2001. The rule waives all points

of order against the conference report and its consideration and provides that the conference report shall be considered as read.

House rules provide 1 hour of general debate divided equally between the chairman and ranking minority member of the Committee on Appropriations and one motion to recommit, with or without instructions, as is the right of the minority members of the House.

There are many important provisions of this legislation and I want to briefly discuss the conference report that this rule makes in order. Regarding the Legislative Branch Appropriations, this bill continues our efforts since the 104th Congress to downsize the legislative branch of government. This bill before us today offers additional proof of our commitment to fiscal responsibility and this bill has overwhelming support. In fact, the Legislative Branch Appropriations bill passed the House only 1 month ago on June 22 by a 373 to 50 vote.

Mr. Speaker, this conference report also includes funding for the Department of Treasury and general government appropriations. These appropriations fund many national priorities such as enhancing law enforcement, school violence prevention, combatting international child pornography trafficking, and enforcement of our existing gun laws.

The Treasury Postal Appropriations bill passed the House last week, and I commend the gentleman from Arizona (Mr. KOLBE) for his hard work on this bill.

I want to comment on the inclusion in this conference report of the repeal of the telecommunications tax of 1898. I am very pleased that this conference report eliminates the telecommunications tax, a tax that is currently limiting the opportunities of lower- and middle-income Americans to have affordable access to the information superhighway.

This is just one more tax that makes it cost prohibitive for lower-income Americans to go online, and I support the inclusion of this provision in this conference report.

The foolish and shortsighted tax policies of the 101st Congress should be stopped as soon as possible. That was the Congress that made that tax permanent that was originally imposed in 1898.

This conference report gives us the opportunity to advance this common sense telecom tax repeal. There is no reason to delay sending this to the President as soon as possible.

Mr. Speaker, I would like to close by noting that only 60 days ago, on March 25, this House passed the repeal of the telecommunications tax by a vote of 420 to 2. This rule was favorably reported by the Committee on Rules. I urge my colleagues to support the rule today on the floor so we may proceed with the general debate in consideration of this very important conference report.

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

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

Mr. Speaker, I rise not only in opposition to this rule but to the heavy-handed manner in which the Republican leadership has chosen to conduct business in the hours before we adjourn for the August summer recess.

Mr. Speaker, I must protest in the strongest possible terms the fact that the Republican leadership has, in the dark hours of night, cobbled together what they are calling a conference report on legislative branch appropriations. The majority must be snickering behind their hands, Mr. Speaker, because this so-called conference report is constructed of one bill which has actually passed both houses, the Legislative Branch Appropriations, as well as one that has only seen action on this side of the Capitol, Treasury Postal Appropriations.

But there is something else. This appropriations conference report also contains a tax bill, the repeal of the telephone tax passed earlier by the House. This action was taken without any consultation with Democratic Members of the Committee on Appropriations, or with the Democratic leadership. Accordingly, no Democratic member of the Legislative Branch Conference Committee signed this report.

Mr. Speaker, while I have a photocopy of the conference report, I am at a loss to try to explain to my colleagues exactly what is in it. The report was assembled literally in the dark of night, sometime between 11:00 p.m. last night and 7:01 a.m. this morning, when it was filed. Democrats were led to believe last night this conference agreement was going to contain a minimum wage increase, as well as several tax provisions.

I have been assured that this document does not now contain the minimum wage but since the Committee on Rules did not provide us a single sheet of explanatory materials when we met at 8:30 a.m. this morning, I can only vouch for that by having quickly skimmed through this document.

In addition, Mr. Speaker, in order to accommodate the rush to get out of town, the Republican leadership kept the Committee on Rules waiting until 11:00 p.m. last night and the House in session until 11:30 p.m. Once it was determined that more work was needed to be done on this so-called conference report, the Committee on Rules was sent home but the House was not adjourned. It was instead recessed until 7:00 a.m. this morning so that the Committee on Rules could meet and file a rule this morning on the same legislative day and, thus, avoid the necessity of sending a martial law rule to the floor this morning.

Mr. Speaker, I must protest what I consider to be a disrespectful abuse of this institution and its Members, as well as the many employees who are required to hurry up and wait while the Republican leadership tries to figure out exactly how to run this body.

Finally, Mr. Speaker, the rush to consider this matter is all the more peculiar since it seems that the Senate has absolutely no intention of considering this conference report until after the recess in September. This process makes no sense, Mr. Speaker, but it is a perfect example of the disregard the Republican leadership has demonstrated time and again for this institution, its practices, and precedents and the Members who serve here.

I urge every Member of the House to oppose this rule if for no other reason than to stand up for regular order.

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

Mr. LINDER. Mr. Speaker, I yield 5 minutes to the gentleman from Arizona (Mr. KOLBE), the chairman of the Subcommittee on Treasury, Postal Service, and General Government.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding me this time.

Mr. Speaker, I listened with interest to the gentleman from Texas (Mr. FROST) and the comments he made about the procedures that were followed in bringing this conference report to the floor of the House. I will not comment on some of those procedures because they are, as we say, above my pay grade. They were decisions made beyond me, but I do want to comment about that part for which I have some knowledge and some responsibility, and that is the part in here, the very large part in here, that deals with the Treasury, Postal and General Government Appropriation.

I think from a procedural standpoint, we need to understand a couple of things. First of all, I can remember on the floor of this House last year listening to the laments of the minority, our friends across the aisle, as they complained that we were not acting on appropriation bills in a timely fashion. Now, of course, today, if we pass the D.C. appropriations bill we will have passed all of the appropriations bills before the August recess. I believe that is an unprecedented number in modern times. So we are hearing the complaint today with this conference report that we are really rushing it, we are moving it too fast; and we have heard that there was not sufficient consultation with the minority about this.

I regret very much that there was not more minority participation in the informal conference which took place on this bill, but I think it is very important that my colleagues understand that the minority was given full opportunity to participate, both the minority in the House of Representatives and in the Senate, and it was their decision, their choice, not to have staff members participate in the discussion of the provisions that were different between the House and the Senate bills as we tried to iron those out.

Now, the process that we followed was one that is followed, as far as I

know, as long as I have been here in every appropriations conference. That is that staff people from the two sides, the Senate and the House, get together and try and iron out the major differences. We followed that procedure. Where there were major differences that could not be handled by staff, I worked with my counterpart over in the Senate. Again, because a decision was made by the minority not to participate in those meetings, we did it on an informal basis.

Was there a formal conference committee held? No. I cannot say how many times that I served on conference committees when I was in the minority of appropriations where the conference committee never met at all. So I do not think this process has been any different.

I do regret very much that the minority chose not to participate in this process. They chose not to be involved in it. Nonetheless, the charge that was given to me was to make sure that we had a bill that was signable and passable, passable in the House and the Senate, signable by the President of the United States.

I think when we get into a discussion of the conference report itself, we will have an opportunity to see that many of the concerns that were expressed on this floor during debate on the Treasury Postal bill, by the Members from the other side of the aisle, were addressed. Many, if not all, of the concerns that were expressed by the administration through their statement of administration policy, called the SAP, in the letter that was sent both to the House and to the Senate appropriators, virtually all of those issues were addressed.

We have what I believe is a bill that is definitely a very good bill. It deals with the problems that confront the Internal Revenue Service, the Customs Service. We will have an opportunity to discuss those in greater detail as we go forward here, but I think that it is very clear to say that an opportunity was given for both sides to participate in this process. I do hope, before we get to a vote on the conference report, that there will be a much better understanding by all Members about the process, not only about the process but about the content of what is in this bill.

I think when they do understand it, there will be a great deal of acceptance.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I am unclear about what the gentleman just said. Is the gentleman suggesting that the Republican leadership in the Senate is not competent to bring a bill to the floor for a vote because this is the crux of the argument? The Treasury Postal bill was never voted on in the Senate on the floor. What they did was to short-circuit the normal legislative process, reach out from the conference committee on another bill and pick up a bill that had never been passed on the floor of the Senate.

So I do not quite understand what the gentleman was saying. Was he saying that his own leadership on the other side of the Capitol was not capable of bringing a bill to a vote on the floor of the Senate? I am curious as to why they chose to pick this bill up and put it into conference when it had never been voted on by the full Senate.

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

Mr. FROST. I yield to the gentleman from Arizona.

Mr. KOLBE. The answer is that over in the Senate, for reasons of their own, there was a dispute over some of the confirmations, as I understand it, confirmations of judgeships, and for that reason there was a hold placed on any of the appropriation bills after the legislative bill. So that became the only vehicle really that was available to us.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE), for him to respond.

Mr. KOLBE. Mr. Speaker, I thank the gentleman from Georgia (Mr. LINDER) for yielding the additional time so I can respond.

Mr. Speaker, so the decision was made over in the Senate that in order to try to expedite this process and to get not only the legislative bill but the Treasury Postal bill and at least this one tax bill that had passed by such a very large margin done before the August recess, that they would put those together and that is the reason, very simply, why it was put on this bill.

There was a debate that preceded yesterday on the Treasury bill. I am not sure how far they got yesterday before the end of the day, but they have had debate on the bill on the floor of the United States Senate.

Mr. FROST. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, let me see if I understand this. If the Senate is incapable of voting on a bill, for whatever reason, if they are incapable of taking a bill to final passage, then that is the basis for rolling that bill into a conference. If I understand what the gentleman is saying, he is saying, well, they just cannot get anything done over there in the Senate. They have some problems so we have to help them by picking up a bill that they never voted on and just rolling it into the conference on another bill. That seems a very peculiar procedure, particularly since we are going to come back after the Republican and the Democratic conventions. It is not like this is the last day of the session. We will certainly be here for the full month of September so it seems like a very peculiar and unusual procedure.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would again remind Members to avoid improper references to the Senate, including characterizations of their actions.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Massachusetts (Mr. MOAKLEY).

Mr. MOAKLEY. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST), the chairman of the Democratic Caucus, for yielding me the time.

1315

Mr. Speaker, this rule is coming to the floor under the most unbelievable circumstances. Last night when there was a baseball game going on between the Republicans and Democrats, there was another game going on upstairs, only this game had no referees and no umpires. After everyone else had gone home, the Committee on Rules waited around until 11 p.m. for the Republican leadership to decide our fate. Late last night, we finally get word that we are not going to meet, but the House would stay in session so that we could come back early this morning, file three rules, and immediately recess to begin another legislative day.

The Republican leadership decided to take two appropriations bills, Legislative Branch and Treasury Postal, and work on them until 7 a.m. this morning, and then, 1½ hours later, send them to the Committee on Rules. A couple of hours after that, here they are on the floor of the House. Meanwhile, Mr. Speaker, really, barely anyone has the foggiest idea what is in this bill. Yet, Mr. Speaker, we are supposed to vote on it.

This convoluted process is just a part of a larger pattern of disrespect, not only for the Committee on Rules, but for the entire membership at large. Mr. Speaker, it is totally uncalled for. The Senate has already announced that they will not take this up until mid-September. Why the rush? I suspect, Mr. Speaker, the lightning speed with which this bill is arriving on the House floor has something to do with the contents.

Once upon a time, Mr. Speaker, there were two noble suggestions on the House floor: one, to lift the American embargo on food and medicine to Cuba and the other one would lift the restrictions preventing American citizens from traveling to Cuba. A majority of the House recognized the wisdom in lifting the outdated prohibition on sending either American food or American medicine to our neighbors in Cuba. The House then voted 301 to 116 to pass the Moran amendment to lift the food and medicine embargo and the Senate passed a similar amendment by Senator DORGAN.

A majority of the House recognized that this embargo that was started some 40 years ago when things were a lot different than they are today. Communism was a real threat; Cuba was a real threat. But, Mr. Speaker, that policy has not worked for 40 years, and the American people have asked us to change.

Mr. Speaker, there are sick people in Cuba who could use our help. They live 90 miles from the world's best doctors,

hospitals, and researchers. We should be sharing our discoveries, because it is the right thing to do; and we should not be denying them because we feel we abhor the Fidel Castro-type of government.

The House also passed the Sanford amendment to allow Americans to travel to Cuba by a vote of 232 to 186. It is one of the most fundamental rights we have as Americans, the right to travel freely, and that also is being denied.

But despite those majority votes, the Republican leadership removed these limitation amendments in the wee hours of this morning and hope we would be none the wiser.

So in order to change the will of the majority of the House, we are considering this rule and these bills under a skewed, undemocratic process. So I urge my colleagues to oppose the rule. The Cuban people and the American farmers deserve better.

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

I would point out that there is a compromise in the works on the Cuban language, language that I joined the gentleman from Massachusetts (Mr. MOAKLEY) in supporting and that will, I presume, be on the agricultural bill. He can rest assured that this will be taken care of on the floor.

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

Mr. LINDER. I yield to the gentleman from Massachusetts.

Mr. MOAKLEY. Mr. Speaker, as my colleagues may recall, this language came through on the agriculture bill, but then they decided to take it off and put it on the Treasury bill, and they were sure it would be there. Now they are going to put it back on the agricultural bill.

Mr. LINDER. Mr. Speaker, reclaiming my time, I think I made my point, and I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Wisconsin (Mr. OBEY), the ranking member of the Committee on Appropriations.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

Before I begin my remarks, I would like to ask one question in case anybody can answer this. I would like to ask the majority if they can tell me by how many dollars do the two bills in this conference report exceed the budget resolution and exceed the allocation provided to each of the subcommittees under the Budget Act? Is there no one who can answer that question?

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

Mr. OBEY. I yield to the gentleman from Georgia.

Mr. LINDER. Mr. Speaker, not being on the Committee on Appropriations, I am certain that, when that bill gets to the floor and into debate, they can explain that to the gentleman.

Mr. OBEY. Mr. Speaker, reclaiming my time, I find it interesting that a party which professes to be so concerned with budget stringency will ask us to bring a bill to the floor before we even know by how much it exceeds the budget under which we are supposed to operate.

My understanding is that the Legislative Subcommittee portion of this conference report exceeds the budget by $47 million, and that the Treasury-Post Office bill exceeds the allocation by $1.2 billion; and then there is also an additional $6 billion question mark because of the shifting of pay dates for SSI and for veterans' checks, which I think makes a real hash of any claim that there is any kind of budget discipline at all left around here.

Secondly, I would simply like to observe, as my friend, Archie the Cockroach, has often observed, that this bill looks like an accident that started out to happen to somebody else. The legislative appropriations bill was moving along, following the normal process. The normal process is that the House passes an appropriation bill and then the Senate passes it, and then we have a conference committee which meets and resolves the differences, and then we pass the conference report and send it on to the President for his signature. That is what has happened, commendably, for one portion of this conference report.

However, then the conference report ran into a train wreck, because being attached to it is a conference report on another appropriation bill, the Treasury-Post Office bill, and the quaint thing about that is that the Senate has never even considered that bill. So now we are being asked to consider a bill which represents a compromise between the House and the Senate on Treasury-Post Office, and yet the Senate has never had an opportunity to formulate a position on the bill.

The reason the minority did not participate in the sham meeting that took place in the dead of night last night is because on both sides of the Capitol, we feel this process is so profoundly illegitimate that we wanted nothing to do with it.

The fact is that what my Republican colleagues have done does have practical results. What they have done, for instance, is to add a totally nongermane tax provision which, if we had tried to bring it to the floor, would have been laughed out of the place. Secondly, you have had some anonymous source in the majority party leadership unilaterally and arrogantly reverse a decision made on the floor of this House by the full membership of this House when it comes to the embargo issue.

Now, that does not surprise me, because a year ago I was promised personally by two members of the Republican leadership, and they know who they are, I was promised personally that they would take no action to block the reform of dairy milk marketing orders on an appropriation bill. The leadership then went back on that promise in the last week of the session, which led to a filibuster in both Houses on that issue; and now, farmers again are going to wake up to discover that a victory which they thought they had won on the House floor is being snatched away from them in the dead of night by anonymous Republican leaders who have decided that they do not care what the majority decided on this House floor with respect to the embargo issue. They are going to throw it in the ash can because it does not either meet their political objectives or their ideological objectives or their substantive objectives. That process too is illegitimate, and that is why they did not find the minority party participating in that.

Mr. Speaker, I would also point out that we have a strange shell game going on, because in the budget last year this Congress voted to move the pay dates for SSI and for veterans back one day, to move it into the next fiscal year. Then, in the supplemental which the majority passed a while back this year, they reversed that decision; and now they are reversing their reversal, and that is why I asked the question; Does not that mean that, in fact, this bill is almost $7 billion over the allocations assigned to it under the Budget Act? I think the answer is yes; but so far, we have not gotten a clear answer on it.

Then we have one more quaint provision which says that the GSA is ordered to build a road in New Mexico. GSA, to my knowledge, has never built a road in the history of their operation. I find it very interesting that that kind of ''urgent emergency'' appropriation is being provided in this bill.

So this is the way Daffy Duck would do business on a bad day. It is a joke, and it ought to be defeated.

Mr. LINDER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona (Mr. KOLBE) for the purpose of a response.

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding. I do want to respond to the gentleman from Wisconsin. He asked a question, as I recall a rhetorical question since he answered himself, about the amount that this was over the allocation. I can only respond, of course, for the Treasury bill. He is correct, it is about $1.2 billion over the allocation.

My question to him in return would be, is the gentleman saying that the money is too much, that we should not have these funds in there? Because earlier on the floor, just to let me finish my comment, earlier on the floor when we were debating the Treasury-Postal bill, we heard from every person over on that side of the aisle that was debating it that it was woefully inadequate, woefully insufficient funds and that it needed more money in order to get into a signable form. We think we have done that. We put more money in to make it into a signable form.

I would just inquire of the gentleman, is the money too much? Is the gentleman saying that we have put too

much? If so, I would certainly like to know that so that maybe we could change some of that.

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

Mr. KOLBE. My time has expired.

Mr. OBEY. So the question is rhetorical and not meant to have an answer.

Mr. FROST. Mr. Speaker, I yield 6 minutes to the gentleman from Maryland (Mr. HOYER), the ranking member on the Subcommittee on Treasury, Postal Service and General Government.

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

Mr. HOYER. Mr. Speaker, we have sad days in the House when we undermine any semblance of comity and of regular order, when we indeed undermine the premise on which so many were elected in 1994 in the so-called revolution, when they came to this House on the premise that Democrats somehow did not follow the regular order, did not follow the rules. The chairman of the Committee on Rules, the gentleman from California (Mr. DREIER), was one of the major proponents of that proposition.

This process is not fair to any Member of this House; and, more importantly, it is not fair to the American public.

My colleagues have heard the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, outline the scenario, the timing under which this was done. I have no criticism of either the gentleman from Florida (Mr. YOUNG) or the gentleman from Arizona (Mr. KOLBE), the chairman of our subcommittee, with whom I work very closely. They are, in my opinion, both honorable men who have acted honorably, although they have acted consistent with directions which were not consistent with good order of this House.

The ranking member has correctly stated that this bill is approximately $7 billion, give or take a couple of $100 million, over the budget allocation. Yet we came to subcommittee, we came to committee, and we came to this floor and were told, you cannot do this, you cannot add this $1.2 billion. How many days ago was that, I ask my friends, that that was intoned on this floor? Approximately 7 days ago.

1330

The principle was ensconced in stone 7 days ago, and now it is gone with the wind in the dead of night, obfuscated. Why, I do not know. The Senate is not going to pass this bill. Everybody on this floor knows that.

There is no need to move this. There is no need to shut us out. I heard my friend, and I understand what he said. But the fact of the matter is the Senate had not passed the bill. We have not had a conference. I participated in no meetings.

Now, was my staff informed? Yes, they were at approximately 10:30 last night of what was in this, and we have been scrambling ever since to find out, that is what my staff tells me, of the substance of the bill. No discussions from us as to what ought to be in and out.

Now, let me say to the gentleman from Arizona (Mr. KOLBE) and the gentleman from Florida (Mr. YOUNG), I think what they have added in this bill is appropriate for the most part. That does not mean I think they have done what we suggested be done and which they then rejected on the floor 7 days ago.

We ought to reject this rule, not only because of the substance or the lack of substance in this bill, but we ought to, as Members of this House, not Democrats and Republicans, as Members of this House, who I think in many instances respect one another. I know that is the case for most of the appropriators. I cannot speak for other committees because that is the committee that I know best, and I respect and I like the Republican members of the Committee on Appropriations, and particularly that applies to the gentleman from Florida (Mr. YOUNG) and the gentleman from Arizona (Mr. KOLBE).

But I do not respect, nor do I like the process that they have been told to carry out. This is not right. Not for this bill, not for the Legislative bill.

I participated in the conference on the Legislative bill. I sat there. We talked about the provisions. We voted at the end. I did not get everything I wanted. As a matter of fact, I agreed significantly in some parts of that bill.

But I did not raise any questions. The process was followed. You win some; you lose some. You make your arguments.

Here, that was not the case. My colleagues heard the gentleman from Massachusetts (Mr. MOAKLEY). How can the CATS come here $7 billion over budget? It is going to be interesting to watch them vote on this package.

Now, I do not agree with them, but if there is any intellectual consistency, I am going to be astounded that they might do that. One may get them to do that.

I do not think our Members are going to vote for this bill, not because they do not think the gentleman from Arizona (Mr. KOLBE) that what he added on is appropriate with IRS, with GSA and with other items in the bill. We discussed that. You agreed. I agreed. We do not disagree on that.

But, Mr. Speaker, we are going to be here at least for another 30 or 45 days. Let us treat one another and the American public with respect, with consideration. Yes, we will disagree; and, yes, my colleagues will impose from time to time the majority will. That is democracy.

But do not do it in the dead of night. Do not recess late at night so one can have an extra legislative day. That is a legislative game to stick it to us, because the rules that they so passionately argued for when they were in the minority ought to protect the minority and that we overran they said, say that one cannot do it in one legislative day. So they did this gimmick. It is a legitimate gimmick. We used it. They complained bitterly about it. They did it last night in the dead of night and came here at 7 a.m. and filed it.

This rule ought to be defeated. We ought to be about the regular order and do things the right way and respect one another and respect this institution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair advises the gentleman from Georgia (Mr. LINDER) has 19½ minutes remaining. The gentleman from Texas (Mr. FROST) has 8½ minutes remaining.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I inquire of the gentleman from Georgia (Mr. Linder) whether he has additional speakers.

Mr. LINDER. Mr. Speaker, perhaps one, perhaps two; but right now I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. SERRANO).

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

Mr. SERRANO. Mr. Speaker, I started out in life with English as a second language. So even though I speak more English in my adult life than I have spoken Spanish, I still have to pay close attention to make sure that what I hear is correct.

I heard that this decision was made through an ''informal conference.'' I tried that in Spanish—(the gentleman from New York spoke in Spanish). I tried it in English, ''informal conference.'' Both ways I come up with no conference at all.

In other words, an informal conference is a couple of people getting together and deciding there is something they do not like in a bill and then destroying that bill, taking that out, and then presenting it to us as an insult to the will of the House.

Let us be clear. The House said that on one particular issue, the issue of our future relations with Cuba, we would begin to change our behavior. In one particular instance, with 301 votes in favor, the House spoke on that issue.

But we knew, those of us who support that issue knew, that somehow we would figure on the other side a way to kill that. We had to. How could we listen to 301 Members? How could we listen to the majority of the American people? How could we listen to the American farmer? Are you kidding?

So this bill is before us today as an attempt to accomplish many things, but in particular to get two amendments that continue to punish a country and ignore the will of the American people.

This is not the end of this issue. We will try very hard today to defeat this rule. But the fact of life is that my colleagues' time is running out. They cannot continue to ignore the Constitution. They cannot continue to ignore

the will of the people, and they cannot continue to ignore the will of their own Members.

There are 301 Members, there are Republican Members, who will have to explain to the American farmer. My colleagues are hearing it from a person from the South Bronx, who thought all food grew in supermarkets up till recently. My colleagues are going to have to explain to them why they turn their backs on the American farmers who have been begging them to support them on this issue.

Cuba did not lose today. I and those who support this issue did not lose today. The big losers are the process in this House and the American farmer.

There is no compromise on another bill. Do not kid me, and do not kid us. There will never be a compromise on another bill as long as there is a desire to continue to ignore the will of the American people.

Vote down this rule.

Mr. LINDER. Mr. Speaker, I continue to reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. MCGOVERN).

Mr. MCGOVERN. Mr. Speaker, I rise in strong opposition to the rule, and I want to associate myself with the remarks of the gentleman from Massachusetts (Mr. MOAKLEY), the gentleman from Wisconsin (Mr. OBEY), and the gentleman from New York (Mr. SERRANO), especially with regard to the outrageous action by the Committee on Rules to remove in the dead of night the language overwhelmingly passed by this House regarding easing the embargo and travel restrictions on Cuba. The Sanford amendment which dealt with travel restrictions passed this House by 232 to 186. The amendment by the gentleman from Kansas (Mr. MORAN) dealing with food and medicine passed this House by 301 to 116.

A handful of Members in the leadership on the other side are apparently still nostalgic for the Cold War, enough so that they have ignored the will of this body.

The so-called compromise that the gentleman from Georgia (Mr. LINDER) made reference to earlier, it is not a compromise. It is a sellout. It would add on to the restrictions that are already in place.

What the Committee on Rules did, not only shows a lack of respect for this House, but it shows a lack of respect for the Members of this House on both sides of the aisle. The Committee on Rules has turned its back on our farmers.

My colleagues talk about the need for democracy in Cuba. How about a little democracy in the House of Representatives.

Mr. LINDER. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Texas (Mr. DELAY), the majority whip.

Mr. DELAY. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, this is a very interesting debate; and it is a good debate to have at the closing hours before the August district work period, because it is a great warning as to what is going to happen in September.

Yes, I am sad to say that spending is up on this bill. The House did an incredible job over this year passing 12 bills, and hopefully this afternoon 13 bills, trying to hold the line on the spending.

Through all the debates, every debate on every one of those 12 bills that we have already passed, and the debate we saw yesterday on the D.C. bill, the minority, the Democrats, complain that there was not enough spending. They want to spend more money. They want to spend more money. They claimed every bill was woefully, woefully inadequate in spending.

The President has said he wants more spending. So we thought that, in fashioning this particular bill, we would honor as much of their request as we could honor in order to get their support and in order to get the President to sign the bill.

We did consult with the White House on what their needs were in the Treasury-Postal bill. We begrudgingly gave them some of the money in the TPO bill, $1.2 billion, that they have been crying for all this year, because we know that the President of the United States has to sign the bill before it becomes law. So we did that.

But do not denigrate the work of this House. The work of this House has been strong in trying to hold the line on spending.

They are salivating over the notion that there is this huge surplus, that they could spend more money. It is harder to deal with these issues under a surplus than it was under a deficit because of the penchant of many Members wanting to spend more money.

But we have told the American people that we are going to pay down on the debt. There is a $270 billion surplus, and we are going to spend 84 percent of that in paying down on the debt on our children and grandchildren. We ask for 8 percent, 8 percent of that surplus to give some tax relief and tax fairness in the marriage penalty repeal, repealing the death tax.

On this bill is repealing the Spanish-American War tax that they kept spending when they were in control on bigger government. We think the American family needs a little tax fairness and tax relief, 8 percent of the surplus.

We sort of set aside another 8 percent, $22 billion, for their increased spending, knowing that we could not get the President to sign it unless we gave it to them. That is why we bring it here. Let me just quickly touch on the Cuba issue. They won the Cuba issue. I was absolutely opposed to it. But they want it in the TPO bill, which is not the proper way to do it.

But because those two amendments passed and passed overwhelmingly, they won. They have got the leverage now to go and negotiate in the conference of the Committee on Agriculture appropriations bill to get what they want. That is very significant. But to do it the way that they did it is really something that the Senate just would not accept because it is not the right way to do it.

We have tried to hold the line. But let me tell my colleagues what is really going on here and why we have had to use this unusual procedure in order to get these appropriations bills.

This is the anniversary, by the way, the 1-year anniversary when the minority leader announced that their strategy is to disrupt, obstruct, and stop the Republican House from passing anything. They have been trying to carry that out all year long. We have a six-vote margin, now, thank God. We have a 7-vote margin as of yesterday. We have a 7-vote margin. On these bills, it has been very difficult to put these bills together all by ourselves because they refused to participate.

They have even asked their own Members to vote against their own districts and their own interests in these appropriations bills in order to obstruct getting things done.

They outline their strategy. They are trying to carry it out. Right now, in the other body, they cannot pass anything because the Democrats in the other body have the Senate tied in knots. The reason that we had to do TPO on this bill is they cannot get it up on the floor of the Senate because the Democrats do not want to pass it. That is why we had to put it on this bill. They have used everything available to them to obstruct our ability to carry out the appropriations process.

1345

The point I am trying to make is we have worked very, very hard to pay down the debt with the surplus, to give a little tax fairness and hold the line on spending. That is the fiscally responsible thing to do. The other side, and I point out that they argued all year there is not enough money in here, and now we see them arguing because there is too much money in this bill. It is an amazing dichotomy that we witness here all day long every day.

The point is they do not want the process to work. They do not want us to pass these bills because they want to force us into some sort of summit with a big omnibus bill so they can get more spending. Well, we ain't goin' there. We ain't goin' there. We are going to pass these bills. We are going to do the fiscally responsible thing, and I hope our Members will stand up, vote for this rule and allow us to proceed.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

Mr. LINDER. Mr. Speaker, yield 1 minute to the gentleman from South Carolina (Mr. SANFORD).

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from South Carolina (Mr. SANFORD) is recognized for 2 minutes.

Mr. SANFORD. Mr. Speaker, I thank the gentleman from Texas (Mr. FROST) and the gentleman from Georgia (Mr. LINDER) for yielding me this bipartisan time.

I rise very reluctantly to oppose this rule. And the reason I do so, and my comments would be aimed at conservatives and Republicans, the reason I do so is because I think this is a gut-check vote. Because one of the things I ran on back in the beginning of the 104th Congress, before I ever got here, was the idea of working against midnight deals. One of the things we talked about, the young Members of the 104th Congress, before we ever got here, is that we have to stop this. The Democrats did it for too long. And yet here we find ourselves basically getting a $30 billion bill at 11 a.m. and we have 2 hours to look at a $30 billion bill. That is the antithesis of what we are to be about in process.

Secondly, my daddy always used to say, ''Don't bid against yourself.'' This is a classic case of bidding against ourselves. Because normally we say, well, we are here, the Senate is over here in terms of spending, so therefore we are going to have to appease the Senate and we will come up with some number halfway in between. But here, without the Senate ever meeting, we have gone and increased legislative branch by $51 million; we have increased Treasury, Postal by $1.27 billion, and we really are bidding against ourselves.

So I think this is one of those cases where, and I respectfully mean this, as my dad used to say, ''If you don't get something right, then try, try, and try again.'' We need to defeat this rule, send it back, and ask them simply to try again.

I would mention a couple of things that did come out in the few moments I had to look at this bill. For those against gun control, why are we increasing ATF by 29.4 percent; for those that that is an issue of importance? For those conservatives against the congressional pay raise, why are we including it here? Again, if Members want a fig leaf cover in voting against the pay raise, then wait and vote against the bill itself. But this is a chance to truly defeat it. And for those against an increase in Members' pension, here is a chance to get at it.

The fact of the matter is I have talked to our colleagues on the Senate side, and they are never going to agree to this nonconference conference. This has a lot to do ultimately with Cuba, and the question is what are we willing to trade off in terms of ideals that we believe in and money toward that end? I think this is a price too high.

Mr. FROST. Mr. Speaker, I yield myself 1 minute.

The gentleman from Texas (Mr. DELAY) is leaving the floor, but I had trouble following his logic. He would not yield time to me, he is leaving the floor now, but I noticed that the gentleman from Arizona (Mr. KOLBE) was pointing in one direction; he was saying that, well, the Senate couldn't take this up because there were holds on just additional nominations, presumably by Republicans; and the gentleman from Texas (Mr. DELAY) was pointing the other direction; and he was saying, no, they could not take this up because the Democrats, who are in the minority of course, were blocking consideration.

Now, which is it? Is it because Republicans have holds on judicial nominations or is it because the minority Democrats prevented this from coming up? I do not quite understand. The gentlemen cannot have it both ways, and I would ask if the gentleman from Texas (Mr. DELAY) could respond to that?

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

Mr. FROST. I yield to the gentleman from Arizona.

Mr. KOLBE. Since the gentleman spoke about what I said, Mr. Speaker, I said that there was some disagreement over some of the judicial nominations and, for that reason, the other party in the Senate, it is my understanding, and I know we are not supposed to characterize what was happening, but for that reason they, therefore, put a hold on all the appropriation bills. That was simply what I was saying.

Mr. FROST. Mr. Speaker, I would ask how much time we have remaining.

The SPEAKER pro tempore. The gentleman from Texas (Mr. FROST) has 2½ minutes remaining.

Mr. FROST. Perhaps the gentleman from Georgia would like to proceed.

Mr. LINDER. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. Mr. Speaker, I thank the gentleman from Georgia for yielding me this time, and I rise today knowing that later this afternoon we will vote on a conference committee report that excludes the provisions of an amendment that I offered on the House floor 1 week ago today.

Seven days ago we had what I believe and know is a significant victory on behalf of American farmers, American ranchers, and, I believe, on behalf of the Cuban people. The opportunity to trade with Cuba food, medicine, and agricultural products is an important issue. The vote we had, 301 to 116, reflects a growing belief, a strong commitment in the House of Representatives that the policy that we have had in place for 38 years is a failed policy that damages American farmers and ranchers much more than it has ever damaged the government of Cuba.

I continue to seek reassurance from the leadership of the House that this issue will not go away and that ultimately our fight in this regard will be heard in this House. This issue will again arise in an appropriation bill, the legislative branch appropriation bill, and I again point out to the leadership of the House, both the Democrat and Republican leadership, that we have the ability and the support of the Members of the House and their constituencies to advance this issue this year. I will continue to work today with the leadership of the committee, the leadership of the Committee on Rules, and the leadership of the House to make certain that this issue prevails at the end of the day.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. HOYER).

Mr. HOYER. Mr. Speaker, I want to make two points, in response, frankly, to the majority whip.

First of all, it was not the Democrats, it was all of us. Let me read from the report of our committee, the majority report, which I supported, which said ''With those additional responsibilities in mind,'' that is the things that are in the bill, ''the allocation is short by approximately $1.3 billion.''

So I tell my friend, the majority whip, that he says it in the report that this is needed. But 7 days ago the gentleman would not do it. Why would he not do it 7 days ago? So he could say to the American public what he has just said now; we are trying to constrain spending: Yes, we think $1.3 billion is necessary; and, guess what, 7 days later we will put it in. But the press release that went out on Friday said no, we are going to have fiscal constraint. For 6 days. For 6 days.

Secondly, I would say to my friend there is no need for this, whatever is happening in the other body. We could have considered the legislative bill on its merits in order, and we could consider the Treasury, Postal bill on its merits in order.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Speaker, parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will State his inquiry.

Mr. HOYER. Am I correct that if this rule passes and we go to consideration of the conference report, and then we seek to offer a motion to recommit, that no amendment or motion to recommit which deals with the Treasury, Postal bill will be in order because it will not be germane under the conference committee report because it is on the legislative bill? Am I correct on that, Mr. Speaker?

The SPEAKER pro tempore. The motion to recommit to conference will be available and may include instructions to address issues within the scope of conference such as certain reactions from the conference report.

Mr. HOYER. My question, though, Mr. Speaker is if in the motion to recommit a change in the Treasury, Postal bill is offered, will that be in order?

The SPEAKER pro tempore. That question will be addressed by the Chair when actually presented, but the Chair can say generally that a motion to strike certain matter might be in order.

Mr. HOYER. I understand a motion to strike will be in order on any part of the bill. But my point is, I believe I

have been told by the Parliamentarian, and I want to make sure that the Members know this as well, that a change in the Treasury, Postal bill will not be germane because the only germane amendment to change the bill will be to the legislative bill because that is the underlying bill. Am I correct on that?

The SPEAKER pro tempore. That question cannot be prejudged at this point in time.

Mr. HOYER. Why not? There is not an answer that exists to that, Mr. Speaker? It is not a theoretical question.

The SPEAKER pro tempore. At this point, the question is hypothetical.

Mr. HOYER. Mr. Speaker, let me suggest that it may not be hypothetical at all as it relates to how Members feel they can vote on this particular rule, because they will know if they vote on this rule that they may or may not be precluded from taking such action under the rules that they may want to take.

That is why I believe that it is a relevant question at this time, prior to the vote on the rule.

The SPEAKER pro tempore. That is a fair question on which to engage in debate but not for advisory opinion from the Chair. It is still hypothetical.

Mr. FROST. Mr. Speaker, I yield the balance of my time to the gentleman from Wisconsin (Mr. OBEY), the ranking member on the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. OBEY) is recognized for 1½ minutes.

Mr. OBEY. Mr. Speaker, I thank the gentleman for yielding me this time.

I would once again want to try to correct some of the misstatements made by the distinguished majority whip. He indicated that those of us on the Democratic sides of the aisle had insisted that all 13 appropriation bills have a higher spending level than those produced by the majority. I would point out I wrote dissenting views to the Department of Defense bill that the majority brought to this House. That bill is $19 billion over last year and it is $5.1 billion above the President's request. Not with my vote, but with his.

The Labor HHS bill, at this point, the document being worked on in conference, is $2.5 billion over the President's request.

The point we are trying to make is very simple. The majority party indicated earlier in this year that it was going to insist on its budget resolution. We made the point at that time that it was not realistic; that the Congress would wind up spending much more money than that, and that they ought to fess up earlier rather than later. Now what has happened is that on bill after bill the majority party is throwing away the budget limitations, but we have no idea what limitations are replacing them.

In other words, we are now acting in Congress the way the Congress acted before 1974 with the passage of the Budget Act. For all practical purposes, whatever the Committee on the Budget has proposed is considered as being irrelevant. There are no rules except the rules designed on an ad hoc basis, anonymously, by the gentleman from Texas and his other fellow leaders, and that is no way to run a railroad much less run a legislative representative body.

1400

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

Mr. Speaker, a couple of days ago I was talking with a gentleman from the other side of the Capitol about the appropriation process, and he said that he was deeply involved in the Foreign Ops appropriations bill and that the Members on both sides had agreed on all the differences from the House to the Senate on Foreign Ops.

However, he could not get any Members on the minority party or the White House to meet with them. They refused to meet, including the White House. Because they have this strategy to drag it out, stretch it out, do not agree to anything, complain about everything; and then one day, as the Majority Whip said, we will be here in October with a huge appropriations bill that will take in several of these 13 appropriations bills and they will get to spend more money. We heard that throughout this process on 13 bills that we are not spending enough.

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

Mr. LINDER. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I understand the proposition of the gentleman. The Majority Whip made that, as well.

If that is the case, why does not the majority, which controls both Houses, send the bills as they think they ought to be to the White House and let them veto them and let the American public see what is going on?

Mr. LINDER. Mr. Speaker, reclaiming my time, we would very much like to do that. But if 41 of the Democrats on the other side of the Capitol determine to filibuster, they can stop anything from happening.

As the gentleman knows, they have to have 60 votes in that body. They are determined not to let anything move at all, not even to let them bring it up without all kinds of amendments that are not germane to the process, which, in a body that has only two rules, unanimous consent and exhaustion, they can put anything on a bill. So they are slowing it down.

The fact of the matter is that this House has voted to pass all three of these provisions before. These provisions are before us again today. We are trying to get these passed and out of these bodies so that the President can veto them, because we expect that he will. Then we will be back in September dealing with the differences.

It would be easier if they would engage us today and help us with these differences today and move forward with the process.

So I would say to my colleagues that this rule, while cumbersome, not pretty, is a rule that gets the process moving. It is not new to us. We remember when Speaker Wright did this some years ago. But it does get the process moving.

Let us get to the debate on the bills, the substance of the bills. Let us move this process. And let us get out of town for our district work period knowing that we passed, if not all of them, all but maybe one of them, hopefully all of them, before August, something that has not been done in modern times.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair again must remind Members to avoid improper references to the Senate, including characterizations of their actions.

The question is on the resolution.

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

Mr. LINDER. 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, further proceedings on the resolution are postponed.

The point of no quorum is considered withdrawn.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PEASE). Pursuant to clause 8 of rule XX, the Chair will now put the question on those resolutions on which further proceedings were postponed earlier today.

Votes will be taken in the following order: House Resolution 564, and House Resolution 565.

PROVIDING FOR CONSIDERATION OF H.R. 4865, SOCIAL SECURITY BENEFITS TAX RELIEF ACT OF 2000

The SPEAKER pro tempore. The pending business is the vote de novo on House Resolution 564.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

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

Mr. FROST. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 232, nays 194, not voting 9, as follows:

[Roll No. 447]

YEAS—232

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Boswell
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stabenow
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—194

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Blagojevich
Blumenauer
Bonior
Borski
Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Frost
Gejdenson
Gephardt
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schakowsky
Scott
Serrano
Sherman
Sisisky
Skelton
Slaughter
Snyder
Spratt
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NOT VOTING—9

Barton
Bono
Ewing
Gilman
Jenkins
McIntosh
Sanders
Smith (WA)
Vento

1424

Mrs. MALONEY of New York, Ms. SLAUGHTER and Mr. NADLER changed their vote from ''yea'' to ''nay.''

Ms. PRYCE of Ohio, Mrs. MCCARTHY of New York, Ms. BERKLEY and Mr. GREEN of Texas changed their vote from ''nay'' to ''yea.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WAIVING POINTS OF ORDER AGAINST CONFERENCE REPORT ON H.R. 4516, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 2001

The SPEAKER pro tempore (Mr. PEASE). The pending business is the question de novo on the resolution, House Resolution 565, on which further proceedings were postponed.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

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

RECORDED VOTE

Mr. FROST. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 214, noes 210, answered ''present'' 1, not voting 10, as follows:

[Roll No. 448]

AYES—214

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Bateman
Bereuter
Biggert
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Everett
Fletcher
Foley
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas (OK)
Martinez
McCollum
McCrery
McHugh
McInnis
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Morella
Myrick
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Souder
Spence
Stearns
Stump
Sununu
Sweeney
Talent
Tancredo
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOES—210

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barcia
Barrett (WI)
Becerra
Bentsen
Berkley
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell

Boucher
Boyd
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Forbes
Ford
Frank (MA)
Frost
Ganske
Gejdenson
Gephardt
Gonzalez
Gordon
Green (TX)
Gutierrez
Hall (OH)
Hall (TX)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Larson
Lee
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Lucas (KY)
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Murtha
Nadler
Napolitano
Neal
Nethercutt
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Phelps
Pickett
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Schakowsky
Scott
Serrano
Sherman
Shows
Skelton
Slaughter
Snyder
Spratt
Stabenow
Stark
Stenholm
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Weiner
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

ANSWERED ''PRESENT''—1

Manzullo

NOT VOTING—10

Barton
Cox
Ewing
Gilman
Jenkins
McIntosh
Sisisky
Smith (WA)
Vento
Waxman

1442

Mr. SCARBOROUGH changed his vote from ''no'' to ''aye.''

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

N O T I C E

Incomplete record of House proceedings.
House proceedings will be continued in the next issue of the Record.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, THURSDAY, JULY 27, 2000 No. 100

Senate

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

The PRESIDENT pro tempore. Father Thomas Acker, president, Wheeling Jesuit University, Wheeling, WV, will give the prayer. He is a guest of Senator BYRD.

We are glad to have you with us.

PRAYER

The guest Chaplain, Father Thomas Acker, offered the following prayer:

Let us pray:

Heavenly Father, from whom each of us comes and to whom each of us must return, we daily finger the coins of our realm. On each coin of this Republic is inscribed our invocation, our prayer, and our petition: ''In God We Trust.'' ''If You Yahweh, do not build the house, in vain the mason's toil: If You Yahweh, do not guard the city, in vain the sentrys watch.''—Psalm 127. Even as we hold this prayerful coin in our fingers, we acknowledge that You hold us in the palm of Your hand. Lord, in You we trust.

We open this deliberative day of Senate life, this last Thursday of July, the month of our independence, assured that You watch over us; indeed, we are the apple of Your eye. Bring Your light to our deliberations, Your wisdom to our decisions, Your peace to our outcomes. May the seed that we plant be like the tiny mustard seed, growing strong of stem, bountiful in branches, and laden with good fruit.

The Senators, men and women of leadership, bow their heads before You, and ask Your blessing. Lord of the Universe, in both faith and humility, the Senators pray: Prosper the work of our hands, prosper the work of our hands. In God we trust. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROD GRAMS, a Senator from the State of Minnesota, led the Pledge of Allegiance, as follows:

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

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Senator from Florida is recognized.

SCHEDULE

Mr. MACK. Mr. President, today the Senate will be in a period of morning business until 11 a.m., for those Senators who wish to make final statements in remembrance of our former friend and colleague, Senator PAUL COVERDELL.

Following morning business, Senator designate Zell Miller will be sworn in to serve as United States Senator. After the ceremony and a few remarks, the Senate will proceed to a cloture vote on the motion to proceed to the energy and water appropriations bill. At the conclusion of the vote, the Senate will proceed to the consideration of the conference report to accompany the Department of Defense appropriations bill, with a vote to occur at approximately 3:15 p.m. For the remainder of the day, the Senate is expected to begin postcloture debate on the motion to proceed to the energy and water appropriations bill.

It is hoped that a vote on cloture on the motion to proceed to the PNTR China legislation can be moved to occur at a time to be determined during today's session. I thank my colleagues for their attention.

MEASURES PLACED ON THE CALENDAR—S. 2940 AND S. 2941

Mr. MACK. Mr. President, I understand there are two bills at the desk due for their second reading.

The PRESIDING OFFICER (Mr. GRAMS). The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 2940) to authorize additional assistance for international malaria control, and to provide for coordination and consultation in providing assistance under the Foreign Assistance Act of 1961 with respect to malaria, HIV, and tuberculosis.

A bill (S. 2941) to amend the Federal Election Campaign Act of 1971 to provide meaningful campaign finance reform through requiring better reporting, decreasing the role of soft money, and increasing individual contribution limits, and for other purposes.

Mr. MACK. Mr. President, I object to further proceedings on these bills at this time.

The PRESIDING OFFICER. Under the rule, the bills will be placed on the calendar.

The Senator from West Virginia.

GUEST CHAPLAIN FATHER THOMAS S. ACKER, S.J.

Mr. BYRD. Mr. President, I commend the Senate's guest Chaplain today, Father Thomas S. Acker, S.J., for his eloquent prayer opening today's session of the United States Senate.

For the last 18 years, Fr. Acker has been serving as President of Wheeling Jesuit University in Wheeling, West Virginia.

During that time, Wheeling Jesuit University has grown to become one of the leading universities in the State of West Virginia, and much of that growth is due to the insight and hard work of this Jesuit priest. During Fr. Acker's tenure at Wheeling Jesuit, the enrollment has doubled—doubled—and the number of buildings and square footage on campus has more than doubled. The addition of the Robert C. Byrd National Technology Transfer Center, the Erma Ora Byrd Center for Educational Technologies, and the Alan B. Mollohan Challenger Learning Center on campus places Wheeling Jesuit University in a unique position for growth into the 21st Century, which will begin next year, and has made a difference in the lives of the residents of West Virginia and beyond.

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

Printed on recycled paper.

Recently, Fr. Acker was presented, by Administrator Dan Goldin, with the Distinguished Public Service Medal of the National Aeronautics and Space Administration, NASA, the highest honor given to a civilian from that agency. This award reflects the high confidence that NASA and its Administrator have in the stewardship of Fr. Acker in connection with agency programs administered—where? at Wheeling Jesuit University.

Fr. Acker, a native of Cleveland, Ohio, entered the Jesuit order in 1947. That was my first year in the West Virginia House of delegates. He has a Ph.D. in biology. I don't have a Ph.D. in anything. But I have grandsons who have Ph.Ds. I have two grandsons who have Ph.D.s in physics; not political science but physics. But Fr. Acker has a Ph.D. in Biology from Stanford University. He has taught at John Carroll University. He has taught at the University of Detroit. He has taught at San Francisco University. He has served as Dean of Arts and Sciences at St. Joseph's University in Philadelphia, Pennsylvania, and worked in the country of Nepal, first as a Fulbright professor and then as Project Director of the U.S. Peace Corps.

Fr. Tom Acker's tenure as the President at Wheeling Jesuit University will end on Monday, July 31, 2000, the last year of the 20th century, but he will not be leaving the State of West Virginia. He has grown to love that State. Rather, he will remain in West Virginia, working in the southern sector to continue his great service to the great State of West Virginia.

I look forward to my continued relationship with this strong, competent, and compassionate man of the cloth, and I congratulate him on his decision to remain in West Virginia.

I listened carefully to his prayer today. He used the words, ''In God We Trust.'' I was in the House of Representatives in 1954, on June 7, when the House of Representatives passed legislation to include the words ''under God'' in the pledge of allegiance—June 7, 1954; ''under God.'' There are some people in this country who would like to take those words out of that pledge, but not Fr. Acker. I don't think anybody here in the Senate would be for that. That was June 7, 1954.

June 7, 1955, 1 year to the day, the House of Representatives voted to include the words ''In God We Trust,'' to have those words, as the national motto, put on all coins and all currency of the United States. Those words were already on some of the coins, but on June 7, 1955, the House of Representatives voted to have the words ''In God We Trust''—there they are— ''In God We Trust,'' have that as the national motto and have those words on the coins and currency of the United States.

I was in the House on both occasions. I am the only person in Congress today who was in Congress when we voted to include the words ''under God'' in the Pledge of Allegiance. I thank our visiting minister today for his use of those words.

He also used the same words from the scriptures that Benjamin Franklin used in the Constitutional Convention in 1787 when the clouds of dissension and despair held like a pall over the Constitutional Convention. Everything was about to break up. They were having a lot of dissension, I say to the Senator from Nevada and the Senator from Florida. They were not agreeing on very many things. They were very discouraged. But Benjamin Franklin stood to his feet and suggested there be prayer at the convention, and he used those scriptures in his statement:

> Except the Lord build the house, they labour in vain that build it: except the Lord keep the city, the watchman waketh but in vain.

Thank you, Father Acker, for using those words and for having as the theme of your prayer this morning ''In God We Trust.'' Thank you.

I thank our Chaplain also, and I thank you, again, Father Acker. We hope you will enjoy your work in southern West Virginia. We are privileged to have you in my part of the State finally, southern West Virginia. My part is the whole State. We thank you, and may God bless you.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, before the Senator from West Virginia and the visiting priest depart, I say to the man who runs this fine school in West Virginia—and I believe the Senator from Florida will say—what a treasure we have in the Senator from West Virginia.

Today is a day of solemnity in the Senate. We are going to swear in a new Senator as a result of the death of one of our colleagues. It is a day of reflection for all of us. Speaking for myself, and I am sure the Senator from Florida, every day we reflect on how fortunate we are to have someone who is a living example of the words that are engraved in the back of this Chamber: ''In God We Trust.'' He is someone to whom we all look —both the minority and majority—for ethical standards, for a sense of morality that he brings to this body. I say to the priest from West Virginia, the State of West Virginia is well served and has been well served by Senator ROBERT BYRD.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I, too, express my appreciation for the beautiful words of the Senator from West Virginia this morning. And to Father Acker: On behalf of the entire Senate, we welcome you today and appreciate greatly your words of prayer.

This is a special day for all of us, as the Senator from Nevada indicated. We will be swearing in a new Senator from Georgia. We do so with heavy hearts, however.

I seek recognition now for a few moments to say a few words on the life of our colleague, Senator PAUL COVERDELL.

Mr. BYRD. Mr. President, I thank my colleague, the distinguished Senator from Nevada, who has been very close to me for these several years in which we have served together in the Senate. I appreciate his friendship. I thank him for his good words today. I am grateful, flattered, and humbled by them. I thank the distinguished Senator from Florida.

RESERVATION OF LEADER TIME

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

PERIOD FOR EULOGIES

The PRESIDING OFFICER. Under the previous order, there will now be a period for eulogies for the former Senator from Georgia, Mr. PAUL COVERDELL.

REMEMBERING SENATOR PAUL COVERDELL

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, the 10 days since his sudden passing and the outpouring of expression from many different directions have given me the opportunity to reflect on PAUL's life, the gifts he brought to the Senate, and the impact his life had on people.

I want to focus my remarks on PAUL COVERDELL's humility, which I think was his defining quality, his greatest gift, and one which had the greatest impact on the lives of others.

Many people might say that humility, sometimes defined as freedom from pride or arrogance, is a quality not found often in our society today. No one disputes, however, that PAUL COVERDELL possessed a deep sense of humility.

During the past 10 days, PAUL COVERDELL has been described as: Serious and low key; self-effacing; uncomfortable in the limelight; a humble public servant who became a political giant through selfless dedication and quiet civility; a very gentle and courteous person; a person people went to, felt really comfortable with, and opened up to; a person who really cared for what happened to others; a person many regarded as the Senate's leading mediator; a person of scrupulous integrity and unblemished character; a person with an unsurpassed work ethic and standard of personal ethics and devotion to what he was doing; a person who always kept his word and was someone you could count on—just to mention a few characterizations.

How many of us would like to be known as individuals who possess these qualities?

Too often we think success results from aggressive, enterprising, pushy, and contentious behavior. In the case

of PAUL COVERDELL, his success resulted from his combination of humility and energy which enabled him to be known as the person who was the cornerstone of the Georgia Republican Party and whose objective was to make his State party credible and viable in what had been virtually a one-party State; who was a political mentor to a number of politicians on both sides of the aisle; who was said by former Senator Sam Nunn to be ''the person who makes the Senate work;'' and finally, Democrats in his State have said that PAUL COVERDELL's legacy is one of actions and deeds, not words and glory; friendship and trust, not cynicism and betrayal.

There is no question that the outpouring of sentiment of PAUL's humility, humanity, and his contribution to his State and to his Nation would have overwhelmed him. He would have been embarrassed by all of the adulation and attention.

PAUL was the personification of Proverbs 22:4: ''the reward for humility and fear of the Lord . . . is riches and honor and life.'' PAUL COVERDELL surely conducted his life in a manner that resulted in great riches and honor of public opinion.

The Book of Revelation, 20:12, states: ''and I saw the dead, great and small, standing before the throne, and books were opened. Also, another book was opened, the book of life. And the dead were judged according to their works, as recorded in the books.''

Our earthly judgment of PAUL COVERDELL will surely be confirmed in heaven. PAUL's works and his hard-working qualities were legendary.

I want to take a moment to speak about a passion of PAUL's. He often talked of the importance of freedom, challenging each of us to do our part to ensure that the legacy of 1776 endures for generations to come. I picked out a few of his quotes concerning freedom from some of his speeches, and I want to repeat them today.

From a Veteran's Day speech:

> In the end, all that any of us can do with regard to this great democracy is to do our part . . . during our time.

From a speech to an annual meeting of the Georgia Youth Farmers Association:

> You live by the grace of God in the greatest democracy in the history of the entire world. And each of us has our own personal responsibility to help care for it, to love it, and to serve it.

From a speech to an ecumenical service at Ebenezer Baptist Church in Atlanta:

> Several years ago I was in Bangladesh, the poorest country in the world, on the day they created their democracy. A Bangladeshi said to me, ''I don't know if you or your fellow citizens of your country understand the role you play for democracy everywhere. It is an awesome responsibility and I don't envy you, but I pray, sir, that you and your fellow citizens continue to accept it.

Finally, from a speech at an Andersonville, GA, Memorial Day ceremony:

> I am sure that each of you, like me, has wondered how we can ever adequately honor these great Americans who made the ultimate sacrifice for the preservation of our nation and the great Americans who suffered and endured on these hallowed grounds as prisoners of war. We look across these fields and see monuments. We have heard an elegant poem written by a young American. We have tried through movies to somehow express our gratitude. Nothing ever quite seems to meet the challenge. I have finally concluded in my mind and in my heart that the only way to appropriately express our gratitude is through duty and stewardship to this great nation.

PAUL COVERDELL truly expressed his gratitude to his country in the manner in which he lived his life—through his service and stewardship to our Nation.

Perhaps the ultimate compliment for a politician was accorded PAUL COVERDELL by one of his constituents, who simply said: He gave politics a good name.

PAUL was an unsung hero, the glue that bound us together, particularly on the Republican side, but he also had an unusually fair presence in the entire body of this Senate. We are blessed and better off because of the impact of PAUL's humility.

I hope I have learned something from him about life. God sent him so many friends—and he recognized us all and embraced us. We are thankful and grateful for his presence in our lives. And the loss of PAUL COVERDELL has made me realize just how much I am going to miss each of you when I leave the Senate in a few months.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, it is very hard to adjust to the sad reality of PAUL COVERDELL's absence from the Senate. I miss him very much. And the Senate, we have to admit, is not the same without him.

It was always a genuine pleasure to be in his company. I enjoyed very much going to Georgia with him during his reelection campaign. I also returned with him to learn more about the severe problems his State's agricultural producers were experiencing from the drought. We worked together on these and other issues that were important to our region on the Senate Agriculture Committee.

He was a very influential force in the Senate for the people of his State. And he was a thoughtful leader on national issues as well.

While we continue to mourn his passing, we should try to carry on with the same determination and energy he brought to the challenges he faced. His example will be a very valuable legacy. Not only has Georgia benefited from his good efforts to represent its interests, but also through his leadership as Director of the Peace Corps, and on other international issues, he has made the world a better and safer place for all mankind.

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.

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

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

Mrs. HUTCHISON. Mr. President, I thank the majority leader for setting aside time this morning so many of us could pay tribute to PAUL COVERDELL. Certainly last week, many of us who were friends with PAUL really were not up to giving him a proper tribute because the shock of losing one of our friends was so enormous that we really did not feel that we could get through the kind of tribute that PAUL deserves. So I thank the majority leader for giving us this time.

We have now had a chance to collect our thoughts about the sudden death of our colleague and friend, PAUL COVERDELL of Georgia. One need only look at the breadth of representation at the memorial service in Atlanta to understand the many ways in which PAUL's life affected ours.

At the service, it was hard to miss the sweet but sad irony that, for one last time, PAUL COVERDELL was the great unifier. The Democratic Governor of Georgia, Governor Barnes, called PAUL COVERDELL—one of just a handful of Republicans in the State legislature when Governor Barnes, himself, was elected to the legislature in 1974—he called PAUL his best teacher in politics. Senator KENNEDY, our colleague from across the aisle, with whom Senator COVERDELL had tangled on many important education issues, sat right next to me in the church to honor PAUL COVERDELL.

Senator COVERDELL is sorely missed in the Senate and in Georgia.

He is not missed because he was a great legislator—but he was. His innovative approach to helping families have more flexibility in education spending became the Coverdell education savings account bill.

We do not feel his loss as badly as we do simply because he was a great Senate leader—but he was. His leadership could bring disparate policy and political strands together to form a single, strong bond that allowed us to move forward with our priorities.

Others have said it, but I will repeat for emphasis: PAUL COVERDELL was as close as any Senator comes to being indispensable to his party.

He will not be missed most because he was a giant in Georgia politics—but he was. Over the past third of a century, he built, from virtually nothing, the Republican Party of Georgia, starting at a time when, much as in my own home State of Texas, Republicans numbered only a few in the state Legislature.

Georgia is a better state today—and so is Texas—because there is a strong two-party system. PAUL COVERDELL is the reason why. And the people of Georgia registered their appreciation by making him the first Georgia Republican in over a century to be reelected to the Senate.

And he won't be missed the most because he was an outstanding administrator and a man of vision as the Director of the Peace Corps—but that is certainly the case.

PAUL was the right man for the job in 1989 when President Bush appointed him to head the Peace Corps, just as the Berlin Wall came tumbling down.

In 1989, Poland, Hungary, and Czechoslovakia were emerging from behind the Iron Curtain. PAUL COVERDELL thought about his agency. It was a creature of the Cold War, created to keep the Third World from falling prey to communism by exposing those countries to the energy, promise and ideals of American youth.

The Peace Corps helped win the cold war, and PAUL COVERDELL had the vision to know that it could also help win the peace. Although it had been dedicated to helping underdeveloped countries with subsistence agriculture and infrastructure projects, Director PAUL COVERDELL saw the promise of helping win the Cold War peace when he asked: ''Why not in Europe, too?''

Under his leadership, the Peace Corps began sending volunteers into Eastern Europe and the former Soviet Union, blazing a new trail for this old cold war agency. On June 15, 1990, President George Bush wished farewell to the first such volunteers as they departed for Hungary and Poland.

Today, those countries are firmly in the sphere of freedom and democracy, and last year joined the North Atlantic Treaty Organization. PAUL COVERDELL'S vision had become a reality.

When he was director of the Peace Corps, Senator COVERDELL emphasized a particular program that had gone fallow given the many other priorities the agency was facing. This program, part of the Peace Corps' legislative mandate to foster greater global understanding by U.S. citizens, offered fellowship to returning volunteers in exchange for their agreement to work in an underserved American community as they pursued their degree.

Senator COVERDELL placed renewed emphasis on this program as Director of the Peace Corps and has been credited by Peace Corps alumni for his leadership in this area. These fellowships, funded through private-sector financed scholarships or reduced tuition agreements with universities and colleges, have been a great success.

PAUL obviously continued his pursuit of excellence in education with many innovative proposals right here in this body. I will be offering legislation that renames the program the PAUL D. COVERDELL Peace Corps Fellowship in memory of his commitment to both the Peace Corps and education.

A greater legislator, a leader of his party and of his State, a man of peace and vision: These surely describe, PAUL COVERDELL, but they do not explain the depth and breadth of warm outpouring that we have seen since his sudden death last week.

More than any other reason, Senator COVERDELL will be missed because he was a sweet, warm man, utterly without pretension.

PAUL COVERDELL: statesman; husband; Senator; leader; but above all, gentleman.

For all the wonderful tributes our colleagues have offered here in the Senate, and those that were made at PAUL's service on Saturday, none surpass in sincerity and simplicity those posted on the Atlanta Journal-Constitution's tribute web-site by ordinary Georgians.

A real reflection of PAUL's impact is that there are postings from all around the country. But one, in particular, bears quoting. A man from Duluth, Georgia quotes from a well-known essay: ''The True Gentleman'' to describe PAUL, and it certainly fits:

> The True Gentleman is the man whose conduct proceeds from good will . . . whose self-control is equal to all emergencies; who does not make the poor man conscious of his poverty, the obscure man of his obscurity . . . ; who is himself humbled if necessity compels him to humble another; who does not flatter wealth, cringe before power, or boast of his own possessions or achievements; who speaks with frankness but always with sincerity and sympathy; whose deed follows his word; who thinks of the rights and feelings of others, rather than his own; and who appears well in any company, a man with whom honor is sacred and virtue safe.

How true these words ring of my friend, PAUL COVERDELL.

I close with the words of a young boy from Georgia, written early in the last century in his school notebook. When assigned to write a short thought about how he wanted to live his life, the young boy, just 10 years or so at the time, wrote:

> I cannot do much, said the little star, To make the dark world bright.
> My silver beams cannot pierce far Into the gloom of night.
> Yet—I am part of God's plan, And I will do the best I can.

That sounds like PAUL, another Georgian whose star burned so bright and who fulfilled God's plan by doing the best he could.

Those words were written by young Richard Russell, as a fourth-grade student. Richard Russell went on to become a great Senator from Georgia, who, like PAUL, died in office in 1971. Russell's name graces the building that houses my office, and PAUL COVERDELL's, too.

Today, we consider those great men and the reward they've gone on to enjoy. WE miss them; we miss PAUL COVERDELL today, and the Senate is a lonelier, less happy place without him. Godspeed to our friend.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BUNNING). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. 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. SESSIONS. Mr. President, I rise this morning to comment on the extraordinary and wonderful life of my friend and our colleague, PAUL COVERDELL of Georgia. While my abilities are unequal to this task, I believe I must try, not because my mere comments will add the slightest glimmer of luster to his sterling legacy but because it is important for me and those living to contemplate his exemplary character, ways of working, positive spirit, courage, and enthusiasm.

The one thing I want to remember most about PAUL is that quick, genuine, and, at times, child-like smile he had. It seemed a bit whimsical, sometimes a bit tired, a bit resigned, at first glance; but on closer observation, that smile was always full of understanding, compassion, and insight into the difficulties we face. PAUL's smile was never silly or false but frequent, wise, encompassing, and in empathy and comprehension for our frailties, completely knowing our weaknesses and encapsulating the precariousness of our human and political condition. Yes, it was fresh and child-like and frequently given; yet in that smile was great strength. There was a kind of understanding there that was born of experience, study, insight, and concern. Moreover, because it was founded on an honest appreciation of our present condition in this life, its warmth, its humanity never failed to inspire.

PAUL COVERDELL was an honest man, an honest broker, an honest leader. PAUL COVERDELL had the courage to act on that honesty, to speak the truth in a positive way. He always saw the glass half full, not half empty. These qualities have the capacity to inspire, and they have never failed to inspire me. When I was frustrated, doubtful, and concerned, I always looked for a chance to speak with PAUL. On occasion, if he sensed I was troubled, he would seek me out. After those conversations I always felt encouraged.

As I think on it today, he was a greater encourager for me and for others than I realized at the time. His friendship, insight, and advice were invaluable for my start in the Senate three years ago. I will deeply miss him.

On the day following his death, I spoke on this floor and said, that I knew we rightly should celebrate his life and not mourn, but I was not able to celebrate at that time because of the hurt of his loss. I am better now, but his death has struck me and others in this body hard.

Still, PAUL COVERDELL's life is, indeed, to be celebrated. He loved his country. He understood its greatness and uniqueness and deeply loved it. He loved the Senate. His tireless work on matters great and small was abundant evidence of that fact. PAUL enjoyed the debate, and helping develop strategy for the leadership, but his ultimate goal was always towards improving his country. That was the constant goal of

his service. He loved the Members of the Senate—all of them—even those with whom he disagreed and he was loved in return.

PAUL COVERDELL was a very effective Senator. He followed through on his assignments. He passed legislation and he helped many others pass important legislation. In that small frame, he had, as PHIL GRAMM said, the heart of a lion. PAUL was a man of great principle and it was a rich and deeply understood the American tradition to which he adhered with vigor. PAUL was knowledgable. He knew a lot of about a lot of things. Experiences like the Peace Corps had taught him much. That knowledge made him wise and helpful to all of us in this body.

PAUL, though not at all naive, was certainly optimistic. Even if he knew something bad was about to happen, he looked beyond that bad event and saw possibilities in the future for an even greater good. That was always the case with him. I remember numerous occasions in which he saw beyond temporary setbacks and could visualize a positive future. His optimism helped shape the agenda of the Republican Conference. It was always his method to focus on our successes, and not on the frustrations. Once one listened fairly to his arguments, one could have no choice but to become optimistic also.

Certainly this Senate has lost a giant. He held a position of great leadership, was projected to continue to rise in leadership and was a tireless supporter of all Members of this body.

My sympathies, and those of my wife, Mary, are extended to Nancy, to his mother and to other members of the family. They have suffered the greatest loss. The scripture says our time on this Earth is but as a vapor. Indeed, James 4:13 puts us in our place. It says:

> Come now, you who say, ''Today or tomorrow we will go to such and such town and spend a year there and get gain,'' whereas you do not know about tomorrow. What is your life? For you are but a mist that appears for a little time and then vanishes. Instead, you should say, If the Lord wills, we shall live and do this or that, and it is your boast in your arrogance.

That was not PAUL. He was not a person of arrogance. More than any other person in this body that I can know, he was a man of unassuming personality, a man of genuine humility, a person utterly without pretension. I think he showed us a lot.

I don't know any 150-year-old people. All of us must expect to die. Our challenge is to keep the faith, to maintain our ideals, to adhere to great principles and to live with enthusiasm. PAUL COVERDELL was a good man and he set a good example for all of us. His death should call us all to intensify our own efforts to fill the void he leaves so that we may serve our country with effectiveness and strengthen the qualities that make up this great Senate.

I pray God will give us the ability to meet the challenge that are before us, that he will comfort those who are mourning, and that we can continue to maintain the ideals that PAUL shared with us for a great and vigorous and effective America.

I yield the floor.

Mr. SANTORUM. Mr. President, I come to the floor this morning, following my distinguished colleague and good friend from Alabama, feeling the same inadequacy to express my thoughts and feelings about the life of someone for whom I had a tremendous amount of respect. As PHIL GRAMM so aptly put it in his eulogy on Saturday, if you knew PAUL COVERDELL, he was your friend. PAUL was a friend.

I guess in the last week from reading and listening and talking to people about PAUL, it is incredible that in this city someone could be so universally understood by everyone. All of us are individuals. We are very complex.

Some often say in Washington that politicians have many facets and many faces. PAUL was PAUL. He was like that to me. He was like it to JEFF. He was like it to the Presiding Officer. He was like it to everyone here. Everyone who has gotten up and talked about PAUL said the same thing in the final analysis. They talked about his decency, his good nature, his peacemaking, his optimism, his energy, and his enthusiasm.

I understand we are going to compile all of the things that have been said about PAUL. The remarkable thing is the sameness of what everyone says about PAUL. It is a remarkable quality in and of itself—that PAUL was always PAUL. He was always himself. He was never trying to be something for everyone to meet their expectation. He was who he was, as genuine and as pure as you can possibly be. That is a tremendous gift that he had.

It is so resoundingly amplified by the comments of our colleagues whose eulogies and comments have been out of the same embryo. That may be one of the great legacies and lessons of PAUL COVERDELL and his life.

There are a few people who I want to thank. First, I thank Nancy and his mother for the dedication that they gave to PAUL in allowing him to provide his service.

He spent an incredible amount of time working issues, long days and long nights away from Nancy while she was in Georgia. She made a tremendous sacrifice for him and for his career in the Senate. Obviously, the impact she had on PAUL's life was profound and obviously positive. The same could be said for his mother. I cannot imagine a mother being more proud of a son than PAUL's mother was of him and the contribution he made to Georgia, to the Senate, to this country.

I thank the people of Georgia for sending the Senate PAUL COVERDELL. He had some tough races but Georgia stood behind him, supported him, and elected a Republican Senator, twice, from the State of Georgia. Georgia should be very proud of that choice.

Finally, I thank God for sending PAUL, a truly extraordinary person. When I found out on Tuesday PAUL very well may not make it, I was sitting in the back talking to Senator GORTON. I was talking about what a tragic loss it would be should PAUL die. I looked around at the desks, I looked at SLADE, and I said: I don't know where PAUL's desk is. He never sat at his desk. He was always running all over the place—down in the well, back in the Cloakroom, running from place to place. He was never at his desk. I thought to myself, where did he sit?

What a fitting analysis of the role that PAUL COVERDELL played in this place. He was everywhere, doing everything, never sitting back at his desk worried about himself or what he would say or do but running around making things happen, back in the Cloakroom with that Styrofoam Waffle House coffee cup. I don't know where he got all those Styrofoam Waffle House cups, but he had one in his hand all the time. There would be two or three placed throughout the Cloakroom by the end of the day. Everyone knew where PAUL had been. He was just working all the time, putting every ounce of his energy—and it was an incredible amount of energy—into his work in the Senate.

I was at the funeral on Saturday. Many things were said about PAUL moving on from one life to the next. It reminded me of a quote from a funeral I attended earlier this year for Governor Casey in Scranton, PA. The quote on the back of the book we received when we came into the church could not help but remind me of PAUL: ''Death is not extinguishing the light. It is putting out the lamp because the dawn has come.''

PAUL's light here in the Senate burned so bright. He illuminated every conversation. Every room he walked into with his energy, with his positive attitude, with his optimism. That light will be missed. Lights that seem to burn the brightest are doomed not to burn the longest. If we are measuring the wattage or the illumination that has been cast on this Earth, no one cast more light in 61 years than PAUL ever did. It is a comfort to know that the dawn for PAUL has come and that he is experiencing a brighter light than we all know right now. It is a comfort to know he is experiencing that light and is in heaven.

As a Catholic, I believe in intercessory prayer. Those in heaven can pray to God to help those on Earth. I know PAUL is praying for us. I ask for your prayers, PAUL, for all of us here, because we will miss you.

Mrs. LINCOLN. Mr. President, I rise today to pay tribute to a noble Southern gentleman, Senator PAUL COVERDELL. All of us in the Senate were saddened by the sudden loss of such a fine man, and we will sorely miss him. As a relative newcomer to the Senate, I have spent a great deal of my time on the Senate floor observing my colleagues. You can tell a lot about a person by his demeanor, and I first grew to

like PAUL COVERDELL simply by watching him. He wore a cloak of peacefulness around him and he radiated kindness. It was rare to see him without a smile.

When I began working with him on the ''Small Watershed Dams Rehabilitation'' bill, I realized that my first impressions of him had been accurate. He was, indeed, kind and friendly. It was a pleasure to work with him in a bipartisan manner on an issue that is vital to both of our states. As is obvious by his rise within the leadership of the Republican Party, he was extremely loyal to his Party. But he never let partisanship interfere with his relationships in the Senate. In short, he was a statesman in every sense of the word.

To his wife, Nancy, and the rest of his family, I extend my sincere condolences. Public life is not an easy one, and our country's greatest leaders can be identified by the support system that is their family. Thank you, Nancy, for sharing PAUL with the rest of us.

Mr. ALLARD. Mr. President, as we today welcome Senator COVERDELL's successor, I wanted to talk about the man whose shoes he must fill.

Last week the Atlanta Journal Constitution's tribute article to our late friend PAUL COVERDELL included the following story. Once, at a county fair on a hot summer day, someone asked PAUL why he was wearing a coat and tie in such a casual setting. PAUL replied that he had noticed that in an emergency, when people are trying to figure out what to do, they always go to the guy with the tie on.

Well, tie or not, Senator COVERDELL was a guy whom we always went to.

I, like many of us on both sides of the aisle, considered him a friend. His hand and arm gestures will always be remembered as ''get up and go'' signs. I had the privilege of lunching with PAUL nearly every Wednesday for the last several years and his presence there was a treat.

He was a hard worker. He knew where he wanted to go. And he was willing to help those with whom he teamed on issues—issues that were invariably important and meaningful. I checked last night, and there are 103 pieces of legislation listed as sponsored by Senator COVERDELL.

Now, PAUL did work on parochial legislation for his state, and he had his share of technical bills, but he also authored many significant and far-reaching national provisions. He worked for the country as well as Georgia, and strove to improve the education, the safety, and the prospects of our children specifically and our citizenry generally.

He had an IRS reform bill, the Safe and Affordable Schools Act, Education IRA's, anti-drug legislation . . . and then there are the countless hours spent working on bills for his colleagues and conference. Even his commemorative bills were significant—Reagan Washington National Airport for example, a bill I jumped to co-sponsor.

He had 30 productive years of service to his country—army postings in Asia, Georgia State Senate, Peace Corps Director, and an invaluable Member of the United States Senate. I was proud to be his friend and colleague. I will miss my friend from Georgia.

Mr. President, I ask unanimous consent to have printed in the RECORD the article from the Atlanta Journal Constitution.

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

[From the Atlanta Journal-Constitution, July 19, 2000]

HE WAS A GREAT, GREAT MAN

COLLEAGUES RECALL GEORGIAN AS HARD WORKER

(By Alan Judd)

Once, when he was chairman of the state Republican Party, Paul Coverdell spent a hot Saturday at a county fair in North Georgia. As always, he was spreading the Republican word. And as usual, despite the casual setting, he was dressed in coat and tie.

Lee Raudonis, a longtime aide, recalls that when he asked why, Coverdell responded: ''Well, I've noticed that if there's ever any kind of emergency and people are trying to figure out what to do, they always go to the guy with the tie on.''

For three decades, as a Georgia lawmaker, state party leader, Peace Corps director and U.S. senator, Paul Coverdell was the man people went to.

As word of his death spread Tuesday, many of those who counted on Coverdell said they couldn't fathom a world in which they couldn't turn to him.

''Unbelievable,'' said state Rep. Bob Irvin of Atlanta, the Georgia House minority leader, a friend of Coverdell's since they met at a campaign rally on July 4, 1968. ''He was my oldest and best friend in politics.''

''We shall miss him as we would miss our own son,'' former President George Bush, one of Coverdell's closest friends, said in a statement. ''We loved him dearly.''

Coverdell's death at age 61 came as he reached the pinnacle of a life in politics. Although less than two years into his second six-year term, he was the fifth-highest Republican in the Senate's power structure. And he was the Senate liaison for the presumptive Republican presidential nominee, Texas Gov. George W. Bush.

It was a heady time for Paul Douglas Coverdell, an insurance agent turned politician who moved to Atlanta as a teenager in the early 1950s from his native Des Moines, Iowa.

After graduating from Northside High School, he attended the University of Missouri, where he received a bachelor's degree in journalism. He spent two years in the Army before returning to Atlanta to take over his family's insurance business. Soon, his interests turned to politics.

In 1970, he was elected to the state Senate from a north Atlanta district. At the time, Republican legislators were rare, so Coverdell formed alliances with like-minded Democrats. By the late 1970s, then-Lt. Gov. Zell Miller had appointed Coverdell to chair the Senate Retirement Committee—a first, said a former Senate colleague, Pierre Howard.

''He was one of the hardest-working, most disciplined, most incisive public servants I've ever known,'' said Howard, who later became lieutenant governor. ''There was nobody who surpassed his work ethic and his ethics and his devotion to what he was doing. You might not agree with him on an issue here or there, but you always knew that he was sincere and that he was well-informed and that he was going to work hard to achieve the objective that he had.''

Since the mid-1970s, his objective was to make the GOP credible and viable in what had long been virtually a one-party state.

''He really never, ever let go of this stuff,'' said Rep. John Linder (R-Ga.). ''If there was an evening when he was free from 9 to 12, he'd pace around his driveway and think about what would be next.''

Coverdell and other Republicans—Mack Mattingly, a future U.S. senator, and future House Speaker Newt Gingrich, among them—met regularly at St. Simons Island to establish long-range goals for the party.

''That group actually worked to develop what in many ways became the modern Republican Party in Georgia,'' Gingrich said Tuesday night from California. ''We've been a very close team for the last 26 years.''

Although a staunch Republican, Coverdell eschewed partisanship. It was a quality that served him well, Gingrich said.

''Paul had several strengths that combined in an unusual way,'' Gingrich said. ''He was very intelligent. He had a great deal of courage. He was willing to take responsibility. He would work very, very hard. And he always kept his word. That gave you somebody you could count on and work with in a very remarkable way.''

Beginning in 1978, Coverdell formed a close friendship with another politician, a relationship that would help propel him to a higher political level.

While vacationing with his wife, Nancy, in Kennebunkport, Maine, Coverdell opened the local telephone book to look up one of the town's best-known residents: George Bush, the former U.S. ambassador to China and the United Nations. He knocked on Bush's door, and the pair quickly became friends.

When Bush ran for president two years later, Coverdell was one of his earliest supporters, serving as his finance chairman in Georgia. Bush lost the Republican nomination to Ronald Reagan. But as vice president, he remained close to Coverdell. The two men were ''not only great political allies, but very close friends,'' said Jean Becker, a spokeswoman for Bush. The Coverdells were frequent guests at the Bush home in Kennebunkport, Becker said. Just last month, they attended Barbara Bush's 75th birthday party there.

When Bush became president in 1989—inaugurated on Coverdell's 50th birthday—one of his first acts was to appoint Coverdell director of the Peace Corps. In that job, Coverdell was such a workaholic, Raudonis said, that when once asked to list his hobbies, all he could come up with was ''dining out.''

After an Asian tour, Raudonis said, Coverdell proudly pointed out that he had never checked into a hotel. Instead, if he slept at all, it was on planes between destinations.

''Paul was the type who's constantly on the go,'' said Raudonis, who worked for Coverdell for 10 years in Georgia and Washington. ''The idea of having to take 12 hours off to go to a hotel, he couldn't figure out why anybody would do that.''

After three years, Coverdell left the Peace Corps in 1992 to seek what friends say he had long wanted: a U.S. Senate seat.

In a close race, he unseated Democrat Wyche Fowler. He was re-elected in 1998.

Although he ascended to a leadership position in the Senate and maintained a remarkably full schedule, Coverdell had found time in recent years to relax a bit, friends say. He developed a passion for gardening, and his recent Christmas cards included a picture of his flowers.

''My greatest regret for him is that he didn't have the time that he deserved to enjoy himself more,'' Howard said. ''I feel a real sense of loss. He was a great, great man.''

Mr. EDWARDS. Mr. President, I rise today to join with my colleagues in mourning the loss of Senator PAUL COVERDELL of Georgia.

He was a man that I respected and admired. All of us here in the Senate feel his absence acutely. Paul COVERDELL was a fixture in the Senate. I cannot recall how often I have sat at my desk and, looking up at C–SPAN, saw him there leading his party on one difficult issue after another. He did so honorably, tenaciously, and modestly. And, of course, he did so effectively.

I feel a real void in the Senate Chamber without his presence and feel a sense of surprise when I look up and see someone other than Senator COVERDELL at the Republican floor manager's desk.

PAUL COVERDELL touched many lives. I am privileged to have known him and count myself lucky to have served in the Senate with him. He was a unique and truly special person, taken from us too young and so suddenly.

I send to his family, his friends, and his staff my deepest condolences. He was a good man who will be sorely missed. But he will also be remembered by us all, and his spirit will never leave us.

Ms. LANDRIEU. Mr. President, I join my colleagues in expressing the grief felt by us all at the passing of Senator PAUL COVERDELL.

As a fellow Southerner, I can tell you that PAUL epitomized all that is good and noble about the South. He was principled, but always looked for workable solutions to problems. He was a determined advocate, but always added an air of civility to this chamber. He was a Republican through and through, but always sought out ways to work with the other side of the chamber.

My friend, the Senior Senator from New York, called Senator COVERDELL a man of peace. I think that sums up his contribution to this world very eloquently.

His work, as director of the Peace Corps during a time of world transition, was extremely important. He brought the Peace Corps the nations of the Warsaw Pact and the former Soviet Union. This single decision may harvest benefits to this nation that we will enjoy for many generations.

Had Senator COVERDELL's life work ended there, he would have accomplished much for which he and the nation could be proud. However, fortunately for the people of Georgia, he continued his life in public service.

When I came to the Senate in 1997, one of the first bills that I worked on as a Democratic sponsor was with PAUL COVERDELL. I will always remember the warm reception that he gave me, and the encouragement to go forward with the Coverdell-Landrieu Protecting the Rights of Property Owners Act.

Since I had just finished a bruising campaign it was such a pleasure to be welcomed in such a warm and bipartisan manner from this southern gentleman.

Senator COVERDELL was also an early and ardent supporter of the Conservation and Reinvestment Act. As many in this Chamber well know, I have pestered and cajoled my colleagues on CARA for 2½ years. PAUL must have seen it coming and was one of the first to sign on.

For his leadership on this, I owe him a debt of gratitude I cannot repay.

Senator COVERDELL shall be missed, in this chamber, by the people of Louisiana, and by people throughout the country. My deepest condolences to his family.

UNANIMOUS-CONSENT AGREEMENT—S. 1796

Mr. SANTORUM. Mr. President, I have a unanimous consent request for the leader.

Mr. President, I ask unanimous consent that it be in order for the majority leader, after consultation with the minority leader, to proceed to the consideration of Calendar No. 460, S. 1796, under the following limitations: 2 hours for debate equally divided between the chairman and ranking members, or their designees.

I further ask unanimous consent that the only amendment in order be a Mack, Lautenberg, Leahy, and Feinstein substitute amendment No. 4021.

Finally, I ask unanimous consent that following the use or yielding back of time, and the disposition of the above-listed amendment, the bill be read the third time, and the Senate proceed to a vote on passage of the bill as amended, if amended.

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

Mr. LEAHY. Mr. President, I am pleased that we have reached a time agreement to take up and consider S.1796, the Justice for Victims of Terrorism Act. However, it is regrettable that we could not pass this important legislation by unanimous consent this week, as I had hoped.

The Justice for Victims of Terrorism Act addresses an issue that should deeply concern all of us: the enforcement of court-ordered judgments that compensate the victims of state-sponsored terrorism. This legislation has the strong support of American families who have lost loved ones due to the callous indifference to life of international terrorist organizations and their client states, and it deserves our support as well.

One such family is the family of Alisa Flatow, an American student killed in Gaza in a 1995 bus bombing. The Flatow family obtained a $247 million judgment in Federal court against the Iranian-sponsored Islamic Jihad, which proudly claimed responsibility for the bombing that took her life. But the family has been unable to enforce this judgment because Iranian assets in the United States remain frozen.

This bill would provide an avenue for the Flatow family and others in their position to recover the damages due them under American law. It would permit successful plaintiffs to attach certain foreign assets to satisfy judgments against foreign states for personal injury or death caused by an act of torture, extrajudicial killing, aircraft sabotage, hostage taking, or the provision of material support or resources for such an act. Meanwhile, it allows the President to waive the bill's provisions if that is necessary for the national security interest.

Some have raised concerns that the legislation could cause the United States to violate its treaty obligations to protect the diplomatic property of other nations, and thus provoke retaliation against our diplomatic property in other nations. I believe that this bill can and should be construed as being consistent with our international obligations, and I trust the State Department to ensure that it does not compromise the integrity of our diplomatic property abroad. I want to commend Senator BIDEN for working with the sponsors and the State Department to help fashion the changes to S.1796 that help accomplish that goal.

I am also pleased that the time agreement will allow the Senate to consider a Mack-Lautenberg-Leahy-Feinstein amendment dealing with support for victims of international terrorism. This amendment will enable the Office for Victims of Crime to provide more immediate and effective assistance to Americans who are victims of terrorism abroad—Americans like those killed or injured in the embassy bombings in Kenya and Tanzania, and in the Pan Am 103 bombing over Lockerbie, Scotland. These victims deserve help, but according to OVC, existing programs are failing to meet their needs. Working with OVC, we have crafted legislation to correct this problem.

Our amendment will permit the Office for Victims of Crime to serve these victims better by expanding the types of assistance for which the VOCA emergency reserve fund may be used, and the range of organizations to which such funds may be provided. These changes will not require new or appropriated funds: They simply allow OVC greater flexibility in using existing reserve funds to assist victims of terrorism abroad, including the victims of the Lockerbie and embassy bombings.

Our amendment will also authorize OVC to raise the cap on the VOCA emergency reserve fund from $50 million to $100 million, so that the fund is large enough to cover the extraordinary costs that would be incurred if a terrorist act caused massive casualties, and to replenish the reserve fund with unobligated funds from its other grant programs.

At the same time, the amendment will simplify the presently-authorized system of using VOCA funds to provide

victim compensation to American victims of terrorism abroad, by permitting OVC to establish and operate an international crime victim compensation program. This program will, in addition, cover foreign nationals who are employees of any American government institution targeted for terrorist attack. The source of funding is the VOCA emergency reserve fund, which we authorized in an amendment I offered to the 1996 Antiterrorism and Effective Death Penalty Act.

Finally, our amendment clarifies that deposits into the Crime Victims Fund remain available for intended uses under VOCA when not expended immediately. This should quell concerns raised regarding the effect of spending caps included in appropriations bills last year and this. I understand the appropriations' actions to have deferred spending but not to have removed deposits from the Fund. This provision makes that explicit.

I want to thank Senator FEINSTEIN for her support and assistance on this initiative. Senator FEINSTEIN cares deeply about the rights of victims, and I am pleased that we could work together on some practical, pragmatic improvements to our federal crime victims' laws. We would have liked to do more. In particular, we would have liked to allow OVC to deliver timely and critically needed emergency assistance to all victims of terrorism and mass violence occurring outside the United States and targeted at the United States or United States nationals.

Unfortunately, to achieve bipartisan consensus on our amendment, we were compelled to restrict OVC's authority, so that it may provide emergency assistance only to United States nationals and employees. It seems more than a little bizarre to me that the richest country in the world would reserve emergency aid for victims of terrorism who can produce a passport or W–2. I will continue to work with OVC and victims' organization to remedy this anomaly.

I regret that we have not done more for victims this year, or during the last few years. I have on several occasions noted my concern that we not dissipate the progress we could be making by focusing exclusively on efforts to amend the Constitution. Regretfully, I must note that the pace of victims legislation has slowed noticeably and many opportunities for progress have been squandered.

I am hopeful that we can make some progress this year by passing our amendment to S.1796, and I look forward to continuing to work with the Administration, victims groups, prosecutors, judges and other interested parties on how we can most effectively assist victims and provide them the greater voice and rights that they deserve.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

CERTIFICATE OF APPOINTMENT

The PRESIDENT pro tempore. The Chair lays before the Senate the certificate of appointment of Senator-designate ZELL MILLER of the State of Georgia.

Without objection, it will be placed on file, and the certificate of appointment will be deemed to have been read.

The certificate of appointment reads as follows:

CERTIFICATE OF APPOINTMENT

To the President of the Senate of the United States:

This is to certify that, pursuant to the power vested in me by the Constitution of the United States and the laws of the State of Georgia, I, Roy E. Barnes, the Governor of said State, do hereby appoint Zell Miller, a Senator from said State to represent said State in the Senate of the United States until the vacancy therein, caused by the death of Paul Coverdell, is filled by election as provided by law.

Witness; His Excellency our Governor Roy E. Barnes, and our seal hereto affixed at Atlanta this 24th day of July, in the year of our Lord 2000.

ADMINISTRATION OF OATH OF OFFICE

The PRESIDENT pro tempore. If the Senator-designate will present himself at the desk, the Chair will administer the oath of office as required by the Constitution and prescribed by law.

Please stand.

(Senators rising.)

The Senator-designate, escorted by Senator CLELAND, advanced to the desk of the President pro tempore; the oath prescribed by law was administered to him by the President pro tempore; and he subscribed to the oath in the Official Oath Book.

(Applause.)

The PRESIDENT pro tempore. He told me his mother was from South Carolina. He's bound to be all right.

WELCOME TO SENATOR ZELL MILLER

The PRESIDING OFFICER (Mr. BROWNBACK). The majority leader.

Mr. LOTT. Mr. President, in just a moment we will hear the maiden speech of the new junior Senator from Georgia. First, I want to say he is certainly going to have an excellent senior Senator from Georgia with whom to work. I hope he will follow Senator CLELAND's admonition to ''go for the max'' every day.

We extend our congratulations and our hearty welcome to the new junior Senator from Georgia, Mr. ZELL MILLER. We spoke briefly, and he knows we have heavy hearts still for our friend, Senator PAUL COVERDELL, but we appreciate the way in which he has approached this position already.

He is one of our colleagues. He is a Senator. We welcome him, and we commit to him to work with him on behalf of the people of Georgia and the United States.

Congratulations and welcome.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I join the majority leader and my colleagues in welcoming the newest Member of the Senate, Senator ZELL MILLER of Georgia.

Two things bring ZELL MILLER to the Senate. The first is the sudden death of our friend PAUL COVERDELL which has left us all very deeply saddened. The other thing that brings ZELL MILLER to the Senate is his own profound sense of duty to his State and his Nation.

ZELL MILLER did not seek this job. In fact, he did not want it. Two weeks ago, he and his wife Shirley were living in his hometown, a tiny speck on the map, a place called Young Harris in the mountains of north Georgia. They were living in the same house his mother built herself nearly 70 years ago with yellow stones she hauled out of a nearby river.

He was teaching history and politics at Young Harris College where he began his working life more than 40 years earlier and where his father had taught before him. He was happier than he could ever recall being. He had no intention of ever holding public office again and certainly no intention of moving to Washington.

Then came the awful shock of Senator COVERDELL's death. In the days that followed, when he was asked if he would serve out the term, ZELL MILLER realized there was something that had a stronger claim on his heart than that old yellow stone house and hills surrounding it; that was serving the people of Georgia.

ZELL MILLER has spent more than 40 years doing exactly that. He began his public life in 1958 when he ran for mayor of his hometown. In 1960, he was elected to the Georgia State Senate at the age of 28. In 1974, he won his first statewide race for Lieutenant Governor, an office he held for 16 years. In 1990 and again in 1994, the people of Georgia chose him to be their Governor.

During his first term as Governor, ZELL MILLER guided Georgia through a serious recession without raising taxes or cutting vital services. Throughout his years as Governor, ZELL MILLER invested heavily in all levels of Georgia's public education system, including statewide prekindergarten, school technology, and new school construction. A cornerstone of his legacy as Georgia's Governor is the HOPE Scholarship Program, which covers college tuition for every Georgia student who graduates high school with a B average or better.

Years before others, he saw how technology could bring new hope and opportunities to rural communities. In his

first 2 years as Governor, he established a long-distance learning program and a telemedicine network in Georgia. He cut taxes for working families and oversaw the passage of tougher penalties for violent and repeat criminals. Through it all, he remained Georgia's most popular Governor since political polling began. When he left the Governor's office in 1999, polls showed him with an approval rating of about 85 percent.

One reason he was such a successful Governor is that, like PAUL COVERDELL, ZELL MILLER builds bridges, not walls; like Senator COVERDELL, he is committed to bipartisan progress. They are not from the same party, but in some fundamental ways they are cut from the same cloth.

ZELL MILLER's success is that he has always taken the long view. As he once told a reporter:

> I'm enough of a history professor to know that your real judge is not your contemporaries, but history.

In deciding public policy, he has said, the most important question is not, How will this affect my chances in the next election? The proper question is, What will this mean for my grandchildren?

Mr. President, I can't think of a better standard by which to judge our decisions in this body, nor can I think of a better person to fill the seat vacated by our friend PAUL COVERDELL.

Senator MILLER, welcome to the Senate. We are honored to have you.

The PRESIDING OFFICER. The Senator from the great State of Georgia.

SERVICE TO THE PEOPLE OF GEORGIA

Mr. MILLER. Mr. President, to the distinguished Members of the Senate, first let me say how much I appreciate those very generous welcoming remarks.

I do not rise this morning to tell you more about myself or to introduce myself to you because there will be time enough for that later. I rise instead to add my voice to the remarkable chorus that has echoed forth from this floor to the marble floors under Georgia's Capitol dome, a chorus of praise for PAUL COVERDELL. The pain and the love that the majority leader showed as he made that terrible announcement on the Senate floor touched many hearts in Georgia. The eloquence of Senator MOYNIHAN's tribute still rings in our ears. And the personal tribute from Senator GRAMM, a native son of Georgia, I found especially moving. When he spoke of PAUL as a man with a thin body, a squeaky voice, but the heart of a lion, heads were nodding and eyes were misting up from the Potomac River to the Chattahoochee River.

Then this morning, I sat in the gallery and listened to the outpouring of love and praise you had for Senator COVERDELL.

On behalf of the people of Georgia, I thank you. I thank you for your words and your tears and your testimony to one of Georgia's finest sons.

You who served with PAUL knew him well. I served with PAUL and knew him well also. I served with him when he was an up-and-coming State Senator and I was the Senate President—PAUL, a Republican; I, a Democrat. Yet PAUL impressed me with his ability and his integrity and his bipartisan commitment to serving the people first and politics second that I named him as one of the first Republican committee chairmen since Reconstruction in our heavily Democratic State senate.

In that job and in that State senate, PAUL flourished. He reached across party lines to build coalitions to reform education, improve our schools, and open up our government to the people.

Later, as the Director of the Peace Corps, PAUL's dignity and decency inspired countless young people to serve their fellow man; and then his service in this Senate, where in less than 8 years he rose to be one of the most influential, respected, and beloved Members of this august body.

Now, when I think of PAUL COVERDELL, I am reminded of St. Paul's letter to Timothy. It is as if it were written by Senator PAUL rather than St. Paul: I have fought a good fight. I have finished my course. I have kept the faith.

Today it is up to us to take up that fight, to continue that course, to keep that faith.

You are, of course, aware of PAUL's tireless work here in this body on behalf of the schoolchildren of this country. Yet his work here was just an extension of his lifelong commitment to education. We served together as trustees on the board of that tiny college, Young Harris College, in the tiny village that is my hometown.

PAUL COVERDELL had faith in education, and I intend to keep that faith. In Georgia, PAUL was a leader early on of a reform movement that believed that sunlight was the best disinfectant. So working together across party lines, we opened up the Senate Chambers and the smoke-filled rooms and gave government back to our people. PAUL COVERDELL had a faith in open, honest government, and I will keep that faith.

In the Peace Corps and in the Senate, PAUL was convinced that as the beacon of freedom for all the world, America could not hide her light under a bushel. And so he worked to keep America strong, to keep America engaged in the world, to ensure that she is always an ally to be trusted and an adversary to be feared. PAUL COVERDELL had limitless faith in America, and I intend to keep that faith.

In addition to what he accomplished, PAUL will always be remembered for how he accomplished it. He was as committed a Republican as I am a dedicated Democrat. Yet he was always looking for ways to get things done across party lines. He did so not by abandoning his principles but by heeding and listening to the proverb:

> A soft answer turneth away wrath: but grievous words stir up anger.

I am a different man from PAUL COVERDELL. I have rarely been accused of giving soft answers and, in my day, I suppose I have uttered more of my share of grievous words that have stirred up anger. But I also have the commitment to getting things done for my State and our Nation, a commitment to work with anyone, regardless of party, who shares that commitment. PAUL COVERDELL had a powerful faith in bipartisan progress, and I intend to keep that faith.

Let me repeat to this Senate the pledge I made to my Governor and to the people of Georgia when I accepted this mission. I will serve no single political party but, rather, 7.5 million Georgians, and every day I serve I will do my best to do so in the same spirit of dignity, integrity, and bipartisan cooperation that were the hallmarks of PAUL COVERDELL's career.

Thank you.

[Applause.]

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2001—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the motion to proceed is agreed to.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. The clerk will report the motion to invoke cloture.

The 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. 688, H.R. 4733, the Energy and Water Development Appropriations Act, 2001:

> Trent Lott, Pete Domenici, Frank Murkowski, Pat Roberts, Jesse Helms, Larry Craig, Ted Stevens, Kit Bond, George Voinovich, Kay Bailey Hutchison, Chuck Grassley, Sam Brownback, Don Nickles, Mike Crapo, Slade Gorton and Orrin Hatch.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call under the rule has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 4733, an act making appropriations for energy and water development for the fiscal year ending September 30, 2001, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The legislative clerk called the roll.

The yeas and nays resulted—yeas 100, nays 0, as follows:

[Rollcall Vote No. 229 Leg.]

YEAS—100

Abraham	Feinstein	McCain
Akaka	Fitzgerald	McConnell
Allard	Frist	Mikulski
Ashcroft	Gorton	Miller
Baucus	Graham	Moynihan
Bayh	Gramm	Murkowski
Bennett	Grams	Murray
Biden	Grassley	Nickles
Bingaman	Gregg	Reed
Bond	Hagel	Reid
Boxer	Harkin	Robb
Breaux	Hatch	Roberts
Brownback	Helms	Rockefeller
Bryan	Hollings	Roth
Bunning	Hutchinson	Santorum
Burns	Hutchison	Sarbanes
Byrd	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (NH)
Cochran	Kennedy	Smith (OR)
Collins	Kerrey	Snowe
Conrad	Kerry	Specter
Craig	Kohl	Stevens
Crapo	Kyl	Thomas
Daschle	Landrieu	Thompson
DeWine	Lautenberg	Thurmond
Dodd	Leahy	Torricelli
Domenici	Levin	Voinovich
Dorgan	Lieberman	Warner
Durbin	Lincoln	Wellstone
Edwards	Lott	Wyden
Enzi	Lugar	
Feingold	Mack	

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—CONFERENCE REPORT

The PRESIDING OFFICER. The clerk will report the conference report.

The legislative clerk read as follows:

The committee on conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill, (H.R. 4576), have agreed to recommend and do recommend to their respective Houses this report, signed by a majority of the conferees.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the conference report.

(The conference report is printed in the House proceedings of the RECORD of July 17, 2000.)

The PRESIDING OFFICER (Mr. FITZGERALD). The Senator from Nevada.

Mr. REID. Mr. President, I will just take a minute. I want to make a parliamentary inquiry here.

It is my understanding under the agreement there is about an hour and a half that has been set aside to speak on the conference report on the Defense appropriations bill; is that right? Approximately that much time?

The PRESIDING OFFICER. Under the previous agreement, there are 60 minutes for Senator MCCAIN from Arizona, 20 minutes for Senator BYRD, 15 minutes for Senator GRAMM of Texas, and 6 minutes equally divided between Senators INOUYE and STEVENS, by previous agreement.

Mr. REID. I ask unanimous consent when that time is used, if those Senators have used it, the Senator from Wisconsin be allowed to speak for 15 minutes.

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

Who yields time? The Senator from Arizona.

Mr. MCCAIN. Mr. President, I rise once again to address the issue of pork-barrel spending in an appropriations bill, in this case the defense appropriations conference report. This bill will pass by an overwhelming margin and with minimal debate. It will occasion the release of innumerable press statements attesting to our individual successes in bringing home the bacon.

As we worship at the altar of pork-barrel spending, let's reflect a bit on the merits of our activities with respect to the practice of adding unrequested programs to the defense budget for parochial reasons. When the defense appropriations bill first emerged from committee, some of us found interesting the inclusion of language urging the Secretary of Defense to ''take steps to increase the Department's use of cranberry products. . . .'' What I referred to at the time as ''the cranberry incident,'' Mr. President, in retrospect represented the high point of the process by which this conference report was assembled.

There are over $7 billion in unrequested member-adds in this bill—over $7 billion. That does not just represent a continuation of business as usual pork-barrel spending; it represents an egregious expansion of a practice that drains vital resources from a military that has witnessed a multitude of readiness problems while deploying at record-high levels. As we struggle with answers to such problems as how to modernize tactical aviation, maintain a fleet of sufficient size and capability to execute its mission, and fund ongoing and unforeseen contingencies, it is less than reassuring to read through the defense spending bill and see $1.8 million earmarked for development of a handheld holographic radar gun, although Trekkies across the nation will no doubt be pleased by this project.

It is tiresome to scan these bills every year and see the annual member-adds of millions of dollars for spectral hole burning applications and for free electron lasers. And it is particularly tiresome, right after passing an emergency supplemental appropriations bill that included an executive jet for the commandant of the Coast Guard, to see in this bill a $60 million earmark for a new 737 for CINCPAC—an important command but $60 million for an aircraft that was neither requested nor required constitutes just one of many questionable additions to this bill.

We have finally reversed 15 years in declines in defense spending, but for what purpose. To transfer $10 million to the Department of Transportation to realign railroad tracks in Alaska? To transfer $5 million to the National Park Service for repair improvements at Fort Baker in northern California? To transfer another $5 million to the Chicago Public Schools to convert a former National Guard Armory? Was our objective in increasing defense spending to allow us to more freely earmark funding for such endeavors as the $500,000 for Florida Memorial College for funding minority aviation training; $21 million for the Civil Air Patrol; to continue to fund a weather reconnaissance squadron in Mississippi that the Air Force has been trying to get rid off for more years than I can remember? There is over $4 million in this bill for the Angel Gate Academy. There is the now annual allocation to preserve Civil War-era vessels at the bottom of Lake Champlain, this year in the amount of $15 million. There is $2 million for the Bosque Redondo Memorial in New Mexico and the usual $3 million for hyperspectral research.

If a project is so worthy of Defense Department support, why doesn't it ever show up in a budget request? Why do we need to add money every single year for the National Automotive Center and its prize off-shoot, the Smart Truck Initiative. With another $3.5 million in the fiscal year 2001 defense bill for Smart Truck, I'm beginning to wonder if the intellect of this truck will be such that it will not only be capable of heating up a burrito, but will also perform advanced calculus while quoting Kierkegaard. When I look through this bill, I begin to lose sight of its fundamental purpose. The distinction between the defense bill and the Health and Human Services bill gets lost when you see $8.5 million for the Gallo Center for Alcoholism Research, $4 million for the Gallo Cancer Center—see a pattern emerging?—another $1.5 million for nutrition research, $1.5 million for chronic fatigue syndrome research, and, of course, $1 million for the Cancer Center of Excellence—this latter add a reminder that if you call something a ''center of excellence'' you are assured of being a beneficiary of Congress's largess.

Mr. President, I do not take issue with research into important health problems affecting millions of Americans. But the abuse of the defense budget grows every year. It has long been used as a cash-cow for pet projects, but did that have to extend to the allocation of millions of dollars for programs of such exceedingly low priority that they don't even show up on already politicized unfunded priority lists?

Astronomical Active Optics, Mr. President, were deemed worthy of over $3 million in defense funds, as was coal based advanced thermally stable jet fuel. Fifteen million dollars for the Maui Space Surveillance System, another annual add, $5 million for the Hawaii Federal Health Care Network, $8 million for the Pacific Island Health Care Referral Program, $1 million for the Alaska Federal Health Care Network, $1.5 million for AlaskAlert, $7 million for MILES 2000 equipment at Fort Wainwright, Alaska, $7.5 million for a C–130 simulator for the Alaska National Guard, the annual $10 million

for utilidor repairs at Eielson Air Force Base and Fort Wainwright, Alaska, and $21 million for an unmanned threat emitter system for Eielson, and $7 million to sustain operations at Adak Naval Air Station, an installation of apparently marginal utility or the Navy would include it in its funding request. Re-use of Fort Greely, Alaska, receives $7 million for airfield improvement. One of my favorites, $300,000 for the Circum-Pacific Council for the Crowding the Rim Summit Initiative, represents a new addition to this list.

The inclusion of so-called ''Buy American'' provisions continue to waste billions of dollars every year. These out-dated protectionist policies serve neither U.S. nor allied interests. It goes against the basic logical policy of getting the best product for the best price for the men and women who wear our nation's uniform. Additionally, these provisions, for example, the requirement to purchase only propellers manufactured in the United States, were added in conference—a practice with which I take strong exception and will discuss further in a minute.

I have repeatedly addressed the growing perversion of the process by which budget requests and service Unfunded Priority Lists are put together. It has been clear for several years now that the services are under considerable political pressure from Capitol Hill to include in their budget requests or, at a minimum, on the Unfunded Priority Lists, unnecessary and unwanted items. Funding for the ubiquitous LHD amphibious assault ship for Mississippi is the classic example of this phenomenon. Indeed, the Defense Department and the Navy's rejection in the past of proposals to incrementally fund ships has given way to unrelenting pressure from members of Congress to so fund the LHD. Similarly, C–130s and passenger jets are routinely added to the UFR lists solely as a result of political pressure. In effect, then, my efforts at highlighting pork-barrel spending have resulted to some degree in the problem being pushed underground. That's called progress in Congress. It's called deception everywhere else.

The fiscal year 2001 defense appropriations conference report takes the problem a major step further. The integrity of the budget process is under a new and devastating assault by the Appropriations Committee. There is in this conference report language specifying the very weapon systems the committee expects to see included in future budget submissions. It is a long list prefaced with the warning that ''the conferees expect the component commanders to give priority consideration to the following items . . . ,'' which it then goes on to detail.

Finally, I would like to address the equally fascinating tendency of the Appropriations Committees to arrive at final budget numbers that exceed what was in either House or Senate bill. It is my understanding that conference is a process whereby differences between respective bills are the subject of negotiations resulting in agreements that either match one of the two numbers in question or find a compromise in between. I find it interesting, therefore, that this conference report has 166 instances of final numbers exceeding those that were in either bill. In many instances, funding was added in conference for which none was included in either chamber's bill. For example, $17 million was added in conference for a capital purchase plan for Pearl Harbor, and $10 million materialized for modifications to M113 armored personnel carriers. There is $10 million in the conference report which was in neither bill to continue the artificial issue of test firing Starstreak missiles, and $1 million for natural gas microturbines. In this bill vital for our national defense is $1.7 million for the South Florida Ocean Management Center and $1 million for Community Hospital Telehealth Competition. And, of course, the $60 million for CINCPAC's new 737 was added in conference. For none of these programs, totaling over $200 million, was funding included in either the House or the Senate bill.

The total dollar amount for the entire category of conference items for which no funding was included in either chamber's bill or for which the final number exceeds what was in either bill is over $2 billion. Two billion dollars, Mr. President, in unrequested, unnecessary items that emerged miraculously in conference. I've heard of the fog of war resulting in horrendous casualties, but I'm perplexed by this fog of negotiating that results in horrendous budgets.

Sadly, Mr. President, I could go on for another hour. I think, however, that I have made my point. The $7 million in the defense bill for the Magdalena Ridge Observatory in New Mexico, combined with the aforementioned adds for Astronomical Active Optics and the Maui Space Surveillance System leads me to ponder the universe of pork-barrel spending at a higher philosophical plane than in the past. We are adding millions of dollars every year to the defense bill so that we may better scan the heavens, perhaps as part of an ultimately futile effort to better understand our place in the cosmos. Only by applying such logic to the process of reviewing spending bills upon which we vote, however, can I hope to understand the phenomenon by which we regularly send billions of dollars down a black hole. At the end of the day, I guess Einstein's theory of relativity, as well as Newtonian laws of gravity, are at the center of the budget process. The practice of pork-barrel spending has been out of control for years; only now can we take it to a cosmic level never before contemplated.

Mr. President, I ask unanimous consent that the list to which I referred be printed in the RECORD.

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

DEPARTMENT OF DEFENSE CONFERENCE REPORT FOR FISCAL YEAR 2001 OUT OF SCOPE ITEMS (THOUSANDS)

Program	Budget	House	Senate	Conference
Defense Acquisition University	$100,331	$100,331	$100,331	$102,331
Defense Finance & Accounting Service	1,416	1,416	1,416	2,416
Army National Guard Information Mgt.	20,115	25,115	20,115	27,315
UH–60 Blackhawk Helicopter	64,651	183,371	120,451	189,601
TH–47 Kiowa Warrior Helicopter	0	1,800	0	24,000
M113 Armored Personnel Carrier Upgrades	0	0	0	10,000
Special Purpose Vehicles	1,021	1,021	1,021	6,671
National Guard Multi-role Bridge Co.'s	0	0	0	1,000
Launched Grapnel Hooks	0	0	0	1,000
AV–8B Litening Targeting Pods	40,639	40,639	81,139	120,639
Shoulder-fired Lightweight Assault Weapon 83 mm HEDP	0	0	0	5,000
Capital Purchase Plan (Pearl Harbor)	0	0	0	17,000
Air Traffic Control On-board Trainer	0	3,000	0	4,000
Shipboard Programmable Integrated Communication Terminals	0	0	0	3,000
F/A–18 Technical Manual Digitization	0	0	0	5,200
Advanced Technical Information System	0	0	0	2,000
Boeing 737 for CINCPAC Executive Jet	0	0	0	60,000
Integrated Bridge System for NSW Rigid Inflatable Boat	0	0	0	4,000
Natl Guard WMD Civil Support Team Equip	0	0	0	900
Emergency Support Heli-Basket	0	0	0	2,500
Tank Trajectory Correctable Munition	0	0	0	3,000
Air Force Cntr of Acquisition Reengineering	0	0	0	2,000
Air Force Knowledge Management Project	0	0	0	2,000
Handheld Holographic Radar Gun	0	0	0	1,000
Environmental Quality Technology	13,994	54,494	19,994	60,994
Electronics and Electronic Devices	23,869	40,969	34,469	41,269
Defense Research Sciences	132,164	132,164	136,414	137,914
Materials Technology Research	11,557	15,557	24,557	27,557
EW Technology Research	17,310	17,310	17,310	22,310
Missile Technology Research	47,183	69,183	55,183	70,683
Modeling and Simulation Technology	30,479	32,479	35,479	36,479
Vehicle and Automotive Technology	63,589	68,589	87,089	89,089
Countermine Systems	12,386	17,786	17,786	17,886
Medical Technology	75,729	98,729	102,229	112,729
Warfighter Advanced Technology	15,469	17,469	20,469	21,969
Vehicle and Automotive Adv. Technology	148,114	162,114	89,114	168,114
Training Advanced Technology	3,072	6,072	3,072	7,072
EW Advanced Technology	15,359	20,359	15,359	30,359
Missile/Rocket Advanced Technology	25,107	25,107	47,107	52,107
Tactical Exploitation of Natl Capabilities	57,419	43,419	57,419	58,419
Engineering Development of C3 Systems	49,316	49,316	49,316	61,816
Engineering Development of Weapons	22,505	30,505	31,505	33,505
Joint Surveillance/Target Attack Radar	17,898	26,898	21,898	28,898
Threat Simulator Development	13,901	16,011	18,801	21,001
Munitions Standardization	11,276	14,776	13,276	16,776
Force XXI Battle Cmd, Brigade & Below	63,601	63,601	63,601	64,601
End Item Industrial Preparedness Activities	57,906	81,906	72,906	89,906
EW Technology—Remote Signal Sensor	0	0	0	4,900
Environmental Cleanup Demonstration	0	0	0	3,000
Multifunctional Intelligence Sensor	0	0	0	12,500
Starstreak/Stinger Live Fire Test	0	0	0	10,000
Northern Edge Launch Range Equipment	0	0	0	3,000
Northern Edge Launch Range Infrastructure	0	0	0	4,000
Trajectory Correctable Munition	0	0	0	3,000
Intelligent Power Control Vehicle Systems	0	0	0	4,100
Information Networking Systems	0	0	0	12,500

DEPARTMENT OF DEFENSE CONFERENCE REPORT FOR FISCAL YEAR 2001 OUT OF SCOPE ITEMS (THOUSANDS)—Continued

Program	Budget	House	Senate	Conference
Natural Gas Micorturbines	0	0	0	1,000
Bradley Vehicle Hull & Turret Electronics	0	0	0	2,000
Navigational Electronic Digital Compass	0	0	0	1,000
Printed Wiring Board Technology Center	0	0	0	3,000
Natural Gas Air Compressor Technology	0	0	0	1,000
Air & Surface Launched Weapons Tech	37,966	52,966	49,966	55,466
Human Systems Technology	39,939	38,139	33,939	40,439
Computer Technology	68,076	92,026	87,576	106,526
Oceanographic & Atmospheric Technology	60,320	68,070	65,320	77,070
Air Systems and Weapons Advanced Tech	39,667	54,667	45,367	61,167
Surface Ship & Sub HM&E Technology	37,432	68,232	57,232	73,432
Personnel Training Advanced Tech	26,988	42,988	29,988	45,988
Environmental Quality & Logistics Tech	24,002	39,002	42,202	52,502
Undersea Warfare Advanced Technology	58,296	62,296	61,296	66,796
C3 Advanced Technology	29,673	35,673	44,673	45,673
ASW Systems Development	19,680	24,680	24,680	27,680
Surface Ship Torpedo Defense	0	11,000	0	16,000
Shipboard System Component Development	244,437	254,437	252,437	258,437
Ship Preliminary Design Studies	46,896	46,896	50,496	56,896
Navy Conventional Munitions	28,619	30,619	31,619	33,619
Navy Logistic Productivity	0	11,000	0	14,000
Multi-mission Helo Upgrade Development	66,946	79,946	77,946	83,946
EW Development	97,281	133,781	122,281	134,781
Airborne MCM	47,312	50,312	47,312	51,312
SSN–688 & Trident Modernization	34,801	62,801	49,801	72,801
New Design SSN	207,091	212,091	210,091	214,091
Ship Contract Design/Live Fire T&E	62,204	72,204	72,204	78,204
Navy Tactical Computer Resources	3,291	28,291	3,291	30,891
Information Technology Development	15,259	23,259	18,259	29,259
Marine Corps Program Wide Support	8,091	14,891	9,091	17,891
E–2 Squadrons	18,698	37,698	18,698	50,698
Consolidated Training Systems Development	27,059	34,559	32,059	38,559
Marine Corps Communications Systems	96,153	107,153	99153	109,153
Information System Security Program	21,530	30,130	21,530	32,130
Airborne Reconnaissance Systems	4,759	15,759	8,759	23,759
CEC P31	0	0	0	10,000
Maritime Fire Training/Barbers Point	0	0	0	2,000
Materials Micronization Technology	0	0	0	1,000
Virtual Company LINK	0	0	0	2,000
South Florida Ocean Management Center	0	0	0	1,750
Aircraft Affordability Project DP–2	0	3,500	0	4,500
SAR All Weather Targeting System-AWTS	0	0	0	4,000
AC Hi-Temp Superconductor Electric Motor	0	0	0	4,000
Fleet Health Technology	0	0	0	3,000
Ship-towed Tripwire Sensor	0	3,000	0	8,000
Compatible Processor Upgrade Program	0	0	0	3,500
Air Vehicle Dem/Val Bridge Contracts	0	0	0	88,984
Engine Dem/Val Bridge Contracts	0	0	0	22,500
Advanced Food Service Technology	0	0	0	2,500
AQS–20 Sonar Data Recording Capability	0	0	0	1,000
Sub Combat System Q–70 Retrofits	0	0	0	8,000
Human Resource Enterprise Strategy	0	8,000	3,000	9,000
Distance Learning at CAL State, San Berna	0	0	0	5,000
CBIRF: Chem Agent Warning Network	0	0	0	2,000
E–2C RMP Littoral Surveillance	0	0	0	15,000
E–2 C Improved Composite Rotordome	0	0	0	2,000
Naval Intelligent Agent Security Module	0	0	0	2,000
18-inch Lens Sensor Development-TARPS	0	0	0	5,000
Electro-optical Focal Plane Array Develop	0	0	0	3,000
Aerospace Flight Dynamics	48,775	52,315	49,327	53,675
Space Technology	57,687	61,687	68,287	69,487
Air Force Conventional Munitions	45,223	45,223	45,223	52,223
Advanced Aerospace Sensors	28,311	44,811	40,311	46,811

DEPARTMENT OF DEFENSE CONFERENCE REPORT FOR FISCAL YEAR 2001 OUT OF SCOPE ITEMS (THOUSANDS)—Continued

Program	Budget	House	Senate	Conference
Flight Vehicle Technology	2,445	7,645	6,272	11,045
Integrated Command & Control (IC2A)	214	0	5,014	8,014
Compass Call	5,834	25,834	15,834	21,834
Extended Range Cruise Missile	0	0	20,000	40,000
Theater Battle Management C41	41,068	41,068	46,068	48,568
Information Systems Security Program	7,212	25,703	12,212	29,503
Airborne Reconnaissance Systems	136,913	143,913	152,613	157,913
Handheld Holographic Radar Gun (H3G)	0	0	0	1,000
Laser Spark	0	0	0	3,000
EW Survivability Enhancements	0	0	0	3,500
Civil, Fire, Environmental Shelters	0	0	0	2,746
ACES II Ejection Seat for Higher Weight	0	0	0	4,000
X–15 Test Stand at Edwards AFB	0	0	0	500
Air Force Center of Acquisition Reengin	0	0	0	2,000
Air Force Knowledge Management Project	0	0	0	2,000
Defense Research Sciences	90,415	100,415	102,015	109,815
University Research Initiatives	253,627	289,627	263,627	292,077
Medical Free Electron Laser	15,029	25,029	15,029	20,029
Biological Warfare Defense	162,064	166,564	150,064	168,314
Materials and Electronics Technology	249,812	259,312	255,812	264,312
High Energy Laser Program	0	0	0	30,000
Explosives Demilitarization Technology	8,964	23,164	19,664	30,164
Advanced Aerospace Systems	26,821	26,821	30,936	34,821
Chemical & Biological Defense Program	46,594	49,344	55,694	57,894
Special Technical Support	10,777	14,777	15,777	29,577
Generic Logistics R&D Tech Demos	23,082	47,382	37,082	48,182
Strategic Environmental Research Program	51,357	57,357	51,557	59,557
Advanced Electronics Technologies	191,800	211,800	198,300	221,500
Agile Port Demonstration	0	0	5,000	7,500
Advanced Sensor Applications Program	15,534	24,534	31,034	38,334
Environmental Security Technical Certification	24,906	24,906	25,406	29,256
BMD Technical Operations	270,718	292,718	304,218	313,218
International Cooperative Programs	116,992	116,992	124,992	130,992
Chemical & Biological Defense Program	83,800	83,800	88,800	89,800
General Support to C31	3,769	34,469	9,769	38,769
Joint Simulation System	24,095	24,095	24,095	42,095
Information Technology Center	0	0	0	20,000
University Advanced Materials Research	0	0	0	1,000
Military Personnel Research Center for Counterproliferation, Monterey	0	0	2,000	4,000
Lightweight X-band Antenna	0	0	0	4,000
F–22 Digital EW Product Improvement	0	0	0	2,000
Advanced Lithography Demonstration	0	0	0	5,000
Navy Center of Excellence in Electro-optics	0	3,000	0	5,000
NTW Missile Defense Radar Competition	0	0	0	4,000
Chem/Bio CBMS II Upgrades	0	0	0	80,000
Community Hospital Telehealth Consortium	0	0	0	2,000
Total Number of Out of Scope items: 166.				
Total Plus up of these items over the President's Budget Request: over $2.2 Billion.				

Mr. MCCAIN. Mr. President, I do not intend to take all of my time. I would like to have Senator GRAMM use some of his time.

I would like to say I am not proud to be here on the floor. This bill probably ranks up with the two or three of the most outrageous pork-barrel spending bills that I have observed in my years here since 1987. I should have demanded that the bill be read and I should be doing everything I can to block it. I intend to explain why.

This bill, I say in all respect—in all respect to the chairman of the Appropriations Committee, and my good friend from Hawaii—is a disgrace. This bill has had $2 billion added on in conference—added on in conference. Not a single Member of this body who was not part of the conference had anything to say about $2 billion—B, billion—that was added in conference. As I say, I have not seen anything quite this bad—or perhaps I have, but it is very rare. This is a remarkable document. It has millions and millions and millions of dollars devoted to projects that have nothing to do with national defense.

Mr. President, there is $4 million—excuse me—$8.5 million for the Gallo Center for Alcoholism Research. What is the Gallo Center for Alcoholism Research? That was added in the conference.

It has $4 million for the Gallo Cancer Center, $1.5 million for chronic fatigue syndrome research, $1 million for the Cancer Center of Excellence. What does the Cancer Center of Excellence have to do with national defense?

Mr. President, there are $4 million in this bill for the Angel Gate Academy. What is the Angel Gate Academy? There is now an allocation to preserve Civil War-era vessels at the bottom of Lake Champlain, this year in the amount of $15 million; $2 million for the Bosque Redondo Memorial.

I am one of the few Members who know what the Bosque Redondo Memorial is. That is when we marched the Navajo Nation to Canyon de Chelle and killed thousands of the Navajo Nation. What does that have to do with defense?

Mr. President, $3 million for hyperspectral research; astronomical active optics were deemed worthy of over $3 million in defense funds, as was coal-based advanced thermally stable jet fuel. Coal-based jet fuel? What do we have, a guy in the back of the plane shoveling coal?

Mr. GRAMM. The Germans tried that.

Mr. MCCAIN. Mr. President, $7 million—of course Alaska is here, of course Hawaii is here. There is $5 million for the Hawaii Federal Health Care Network. I say to the Senator, my dearest friend, what in the world is the Pacific Island Health Care Referral Program? The Hawaiian Islands Federal Health Care Network? Alaska Federal Health Care Network? $1.5 million for AlaskAlert, $7 million for equipment at Fort Wainwright, $7.5 million for the C–130 simulator.

There is a gift for CINCPAC, Commander in Chief of the U.S. Forces in the Pacific. Perhaps he needs a new $60 million airplane. Perhaps he needs it, I don't know. We will never know because it was not in the House bill, it was not in the Senate bill, and it was put in in conference, $60 million.

This is a remarkable document. I have submitted for the RECORD a four-page document. Many pages show: Budget, zero; House, zero; Senate, zero; Conference—a Capital Purchase Plan at Pearl Harbor: Budget, zero; House,

zero; Senate, zero; Conference, $5 million. What is that all about? What is that all about? Was it ever discussed on the floor of the Senate? Was it ever discussed at a hearing? Was it ever, dare I say, discussed in the Senate Armed Services Committee, which is the authorizing committee for these projects? Was it ever? No.

This is quite remarkable. Air Force Center of Acquisition Reengineering: Budget, zero; House, zero; Senate, zero; Conference, $2 million.

There is a Handheld Holographic Radar Gun—I repeat that—a Handheld Holographic Radar Gun: Budget, zero; House, zero; Senate, zero; Conference, $1 million.

Is there anyone in this body besides the appropriators, besides the appropriators in this body, who is going to vote $1 million of the taxpayers' money who knows what in the world a Handheld Holographic Radar gun is? Perhaps the Presiding Officer knows. He is a very smart guy. Perhaps Senator GRAMM—he is an economist; he is a former college professor—perhaps he knows.

Here is one. Information Networking Systems: Budget, zero; House, zero; Senate, zero; Conference, $12.5 million. What does that mean?

Intelligent Power Control Vehicle Systems: House, zero; Senate, zero; Budget, zero; Conference, $4.1 million. What does that mean?

One of my annual favorites—here is one that really is puzzling. Air Vehicle Dem/Val Bridge Contracts: Budget, zero; House, zero; Senate, zero; Conference, $88,984,000.

My friends, you are going to vote to appropriate $88,984,000 of taxpayers' dollars for an Air Vehicle Dem/Val Bridge Contract.

Here is another one, Advanced Food Service Technology: Budget, zero; House, zero; Senate, zero; $2.5 million for Advanced Food Service Technology. Mr. President, Advanced Food Service Technology? Again, what is that all about? Was it ever requested by the administration?

The answer is no.

Compass Call—I will not go into the Compass Call.

NTW missile defense radar competition. That may be very important. Budget, zero; House, zero; Senate, zero; conference, $80 million. I say to my friends, $80 million will be spent on NTW missile defense radar competition which, again, never had a hearing in the Senate Armed Services Committee, was never discussed on the floor of the Senate, never discussed on the floor of the House, and 80 million of taxpayers' dollars.

Here is another one. Information Technology Center. Budget, zero. For the uninitiated, ''budget'' means requested by the administration. The administration requested no money for it. The House put in no money for it in their Defense appropriations bill. The Senate put zero dollars in their bill. Yet it emerged from conference: Information Technology Center, $20 million; $20 million is now being spent on the Information Technology Center which none of us knows what in the world it is, except for a chosen few.

What is happening here is that Members of the Senate and House who are not members of the Appropriations Committee are being deprived of their rights to knowledge and voting and discussing, debating, and making judgment on programs. And we are talking about big money here. We are talking about $2 billion—B, billion—that have been added in conference which neither House ever debated, discussed, nor amended.

I think it is wrong, and I will return to something I said several times, both publicly and privately. It is time we made some tough decisions around here: Abolish the authorizing committees or abolish the appropriations committees. I am told by the distinguished chairman of the Senate Armed Services Committee that $600 million was transferred out of Navy accounts into Army accounts—$600 million—by the Appropriations Committee.

We all know how the system is supposed to work. The authorizing committees authorize, and then the Appropriations Committee allows certain amounts of money which, in their best judgment, is needed. Now we are shifting hundreds of millions of dollars and adding $2 billion. We are inaugurating programs that have no relation—no relation whatsoever—to national defense.

What in the world does a Gallo Research Center have to do with anything that is regarded defense?

Mr. President, $7 million for the Magdalena Ridge Observatory in New Mexico—what does the Magdalena Ridge Observatory in New Mexico have to do with national defense?—combined with the aforementioned adds for Astronomical Active Optics and the Maui Space Surveillance System.

Some months ago, I completed a failed Presidential campaign. I learned a lot of things in that campaign, but I also found that many Americans who did not vote in the 1998 election—in fact, we had the lowest voter turnout in history of the 18-to-26-year-old voter in the 1998 election, and all of the predictions now are that we will have an even lower voter turnout in the year 2000 Presidential campaign.

They said, particularly young people: You don't represent me anymore; you don't respond to my hopes, dreams, and aspirations. I think these young people have another complaint: You don't have anything to do with the expenditure of my tax dollars.

It is controlled by a few and, in many cases, those few are controlled by special interests. Recently, there was a fundraiser conducted by the Democratic Party where one could pay $500,000 and buy a ticket. When I first came to the House in 1983, if someone had told me that, I would have said: You're crazy.

Here we are in a process where I am not able to represent the people of my State, much less the other young Americans who thought that I was a decent public servant. How can I represent the taxpayers of my State when $2 billion is put in, in a conference about which I have no input? How can we call ourselves their representatives when they add money into an appropriations bill in a conference? Most Americans think $2 billion is a lot of money.

I will tell my colleagues this right now: We are not taking care of the men and women in the military. We have pilots leaving at the highest rate. We cannot retain them. We have young men and women leaving in the highest numbers we have ever experienced since the 1970s. We are not meeting our recruiting goals. Yet we can spend $7 million for the Magdalena Ridge Observatory; we can spend money for the LHD amphibious assault ship in Mississippi; C–130s and passenger jets are routinely added. The list goes on and on.

I will have more to say because I have asked for the time, but it is not fair to the people of this country. I tell my appropriator friends now: You risk losing the confidence of the American people when you carry out these kinds of procedures. You risk and deserve the condemnation and criticism of average citizens when you use their taxpayer dollars in such fashion in a bill that says ''Defense appropriations bill'' and we give money to some Gallo outfit. It may be a good and worthy cause, but so much of this has nothing to do with national defense, and the procedure that is being used is not acceptable.

I tell the appropriators now, and I want to make them very well aware, if next year this kind of behavior and these kinds of parliamentary procedures are pursued, I will do whatever one Senator can do to block passage of this bill. I say that not only because of my offense at this kind of procedure that has taken place, but I say that on behalf of the men and women who serve in the military today who are not having their basic needs met.

We still have thousands of young men and women on food stamps. We still have marines recapping tires so they can buy additional ammunition with which to practice. We still have men and women in the military living in barracks that were built in World War II, and we will spend $2 billion that has nothing to do with their health, welfare, and benefit.

I have that obligation, and that obligation clearly supersedes that of my obligation to my dear friends in the Senate. It has to stop. I was discussing this with my friend—and he is my dear friend—the Senator from Alaska. I said: This is terrible, all the things that have been put in.

He said: You should have seen what they tried to put in.

In all due respect to the distinguished chairman of the Appropriations Committee, it is not good enough.

I see the Senator from Texas has more to say. I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, my dad was a sergeant in the Army. I have always believed in a strong defense, and I have always prided myself on the fact that at least, in my opinion, no one in the Senate was a stronger supporter of national defense and a stronger supporter of the men and women who wear the uniform of this country and who keep us free. I, therefore, thought it was incumbent on me to explain why I am going to vote against this Defense appropriations bill.

Let me start by giving you a little history because I think it explains why we are at this extraordinary point with a bill that seems so very hard to explain. It started with President Clinton. It is, unfortunately, a standard pattern that, from time to time, we have Presidents who come into office and cut defense, and then as they are on the verge of waving goodbye, they propose massive increases in defense spending.

My dear colleague from Arizona will remember that the largest period of increases in defense spending in the peacetime history of the country did not start while Ronald Reagan was President. It, in fact, started the last year Jimmy Carter was President, even though Jimmy Carter cut national defense expenditures consistently during his Presidency.

President Clinton, in the first 5 years he was President, cut defense spending every single day. In the first year of his Presidency, real defense spending fell by 5.8 percent. In 1994, real defense spending again fell by 5.8 percent. In 1995, it fell by 4.7 percent; in 1996, 4.9 percent; in 1997, 0.5 percent; in 1998, 2.8 percent. In every one of those years, real resources that we committed to national security and to the well-being of the men and women who defend America declined.

Then, in 1999, finally, as we were looking at the 1999 budget, the Joint Chiefs of Staff finally stopped toeing the line for President Clinton, stopped apologizing for the decimation of the military, and pointed out that the military had been hollowed by Bill Clinton. It was a revelation that was late in coming, and it is a shame on the Joint Chiefs of Staff that they let it run for so long.

So in 1999, led, I am proud to say, by the Republican Congress, we actually increased defense spending in real terms for the first time since Bill Clinton had been President.

Now, in his final budget submission, President Clinton, as he is heading toward the exit, having cut defense consistently since he became President—even counting the increase Congress added last year, real defense outlays have been cut by 17 percent—now, in his parting budget, President Clinton proposed $16 billion of increases in defense spending.

We might have celebrated that fact—having written a budget that added $16 billion and expanded our modernization programs, improved health care for our active duty military and for our retirees—there are many good things we could do with that $16 billion—but Congress was not going to be outdone. How dare Bill Clinton, in the final hours that he has in the White House, submit a massive increase in defense spending and have Congress just say yes.

So remarkably, we find ourselves today in a situation where the President proposed a $16 billion increase, Congress has raised that by another $14 billion, and, as a result, we have over a 10-percent increase in defense spending in 1 year. I would submit that this is political upmanship that makes absolutely no sense. What has happened is, the surplus is literally burning a hole in our pockets.

The picture is actually worse because there are all kinds of gimmicks in the bill that would allow more to be spent. You might wonder how $2 billion that nobody voted on in either House of Congress could be added in conference. Let me explain how it happened. In fact, I am sure people wonder: Where do these emergencies come from? Every week or so now, they are seeing Congress pass an emergency funding bill. And they might ask: Where do these emergencies come from?

On page 54 of this Defense appropriations bill, we have an emergency created. This is how it happened. The Appropriations Subcommittee on Defense, in section 8166, cut spending for the Overseas Contingency Operations Transfer Fund by $1.1 billion.

They took the $1.1 billion out of the appropriations bill, and then, in title IX, they added it back, but this time as an emergency. So, in the middle of page 54, an emergency is created, by taking money away from needed expenditures on American overseas contingency operations—we take the money away in the middle of page 54—then we spend this money on all of these programs that Senator MCCAIN is talking about, and then, at the bottom of page 54, we add it back because we have an emergency.

Well, where did the emergency come from? The emergency came from the fact that they took the money from overseas operations to spend on other things. That is where the emergency came from.

So they created the emergency in the middle of page 54, and then at the bottom of page 54, having created a crisis—we might have to bring troops home from Kosovo as a result of the money taken in the middle of page 54—so at the bottom of page 54, having created the emergency in the middle of the page, they then solve the emergency by taking exactly the same amount of money, declaring it an emergency so it does not count under the budget, and adding it back.

It, I think, speaks volumes that Senator MCCAIN looked at this bill, and I looked at this bill, and we both came up with a list of programs that we thought were indefensible. We never talked about our choice of programs, but there is not a single overlap on our lists. That tells me we were picking from a large bushel basket full of add-ons.

Let me give you a few that I think deserve a prize. Five million dollars is earmarked out of Army operations and maintenance. I remind my colleagues, this is an area where we have a critical shortage of funding, where we have provided emergency money in the past. In clear violation of the base closing law—which says, when you close a military base you can't keep building infrastructure on that military base; when you have closed it, when you have transferred it to the civilian sector, you can't keep spending defense money on it—in clear violation of the base closing law, we provide $5 million, which we transfer to the National Park Service, to build infrastructure on a base that has been closed.

No. 2, we provide $4 million to monitor desert tortoise populations. Remember, we are taking $4 million out of the defense budget. In fact, we declared an emergency when we took the money away from overseas operations, and then we put it back in for an emergency so we could fund programs such as monitoring desert tortoise populations.

It is interesting, when you press, to learn what the justification is. The justification, you will be happy to know, is that we may, at some point, want to expand a military base, and the desert tortoise population might be relevant.

I remind my colleagues, we are closing military bases. Nevertheless, in this bill, with all of our needs, we found room to provide defense money to monitor the desert tortoise population in California.

Because we have a huge backlog in depot maintenance for our ships in the Navy, this Congress has provided $362 million of emergency money to try to deal with this backlog in ship maintenance so our ships can perform their missions. In this bill, we take $750,000 out of that emergency money and use it for renovations on the U.S.S. *Turner Joy*. Senator MCCAIN will be one of the few people here who will remember the U.S.S. *Turner Joy*. It is a destroyer. It is well known because it was involved in the Tonkin Gulf action that got us deeper into Vietnam. But it has been out of the Navy since 1982. We are providing $362 million on an emergency basis to catch up with ship maintenance, and yet we are basically giving a tourist bureau money to do renovation on a ship that has been out of the Navy since 1982.

There is $5.5 million for an Army research and development project. This is money meant for modernization so if we have to send men and women into combat, they will have technological superiority. We use this $5.5 million for laser vision correction. Laser vision

correction is a miracle. They can come in and do it, and you don't have to wear glasses anymore. But the point is, what does that have to do with national defense? Why are we funding medical research out of the national defense budget?

Then there is $2.8 million to buy new office furniture for the Defense Language Institute in Monterey, CA. At first you might say, OK, we built a new building; we have to buy new furniture. But there isn't a new building. We are not building a new building at the Defense Language Institute in Monterey, CA. The question is: Why do we need new furniture now? What is wrong with the old furniture? The answer: The surplus is burning a hole in our pocket. This is a grab bag. It is like one of these sales you see on television where they dump the clothes on a table and they are on sale, and everybody grabs a piece of it.

Finally, $3.5 million is added in Army research, development, test, and evaluation for artificial hip research. Now look, artificial hip research is important. There are people who have deteriorating joints. We fund research at the National Institutes of Health to deal with health problems. What are we doing taking $3.5 million out of defense to fund this kind of activity?

I will conclude on this: We took $1.1 billion out of defense. We declared an emergency because we didn't have enough defense money. Then, having declared an emergency and gotten the money, then we take the $1.1 billion that was supposed to be spent on defense and spend it on other things. As a result, we literally have an almost endless list of projects exactly like these. You have to ask yourself, is this really the best use for the taxpayers' money?

I say to my colleagues, I am going to vote against this Defense bill because this is runaway spending at its worst. I voted against other bills because of the obscene way we literally are throwing money at these appropriated accounts. In this election year, with many close elections, we literally are spending money on anything that might have a constituency. This process has got to stop. I think it undermines the good work we are doing.

I thank Senator STEVENS. We have been working to resolve a disagreement over two unnecessary pay shifts. Senator STEVENS has agreed—graciously, I might add—to fix that. But I am going to vote against this bill on the basis under which we are today considering it. I am going to vote against this bill because you cannot defend this kind of runaway spending. The only defense I've heard is that, in a big bill, you are going to take on some spending. I don't think that is good enough.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I thank Senator GRAMM for his efforts and his discussion of a bill that, obviously, is going to be passed by overwhelming numbers. Again, I point out, this is a Defense appropriations bill—appropriations. It is supposed to be for the money, not for making policy or authorizing.

One of the more egregious practices that has crept in lately, that doesn't have a lot to do with money but has a great deal to do with national policy and in the end costs taxpayers enormous amounts of money, is the Buy American provisions. We started out with a couple. Now we have more and more and more. I will mention a couple of them.

You have to buy only American products related to welded shipboard anchor and mooring chain. You can only buy American relating to carbon alloy or armor steel plate for use in any Government-owned facility or property under the control of the Department of Defense, specifications to be determined by the American Iron and Steel Institute. There are Buy American restrictions related to the procurement of vessel propellers and ball and roller bearings.

I am told that a request for proposal, so-called RFP, to people to bid on vessel propellers that would have been opened to, certainly, our NATO allies was recently published and, strangely enough, this was put in the bill. There is a requirement for the use of U.S. anthracite as the baseload energy for municipal district heat for U.S. military installations in Germany. I have remarked on this before because it has been there a long time. It is the classic example of taking coal to Newcastle. We have to take American coal, put it on a ship, and transport it to Germany to be used in Germany. I have never gotten an estimate as to how many millions that costs Americans.

It exempts the construction of public vessels, ball and roller bearings, food, clothing or textile materials from Secretary of Defense waiver authority relating to the Buy American requirements involving countries with which the United States has reciprocal agreements. In other words, the United States has a reciprocal agreement, particularly with some of our NATO allies, and the Secretary of Defense cannot give any waiver for the purchase of clothing or textile materials. This is protectionism at its most egregious.

It prohibits the development, lease, or procurement of ADC(X) class ships unless the main propulsion diesel engines and propulsors are manufactured in the United States by a domestically operated entity.

It transfers $5 million to the National Park Service for repair improvements at Fort Baker in northern California; $500,000 for Florida Memorial College for the purposes of funding minority aviation training. It is a worthy program. I would support it, if it were not in a Defense appropriations bill. It transfers $34 million to the Department of Justice for the National Drug Intelligence Center. We have an appropriations bill upon which that would have been entirely appropriate. Then they go on to restrict the center's ability to establish its own personnel levels.

There are restrictions on the ability of the Department of Defense to contract out any activity currently performed by more than 10 Department of Defense civilian employees.

This is an appropriations bill, Mr. President. Now the Department of Defense cannot contract out any activity, no matter how much money it would save the taxpayers, under any circumstances, if there are no more than 10 DOD civilian employees. It doesn't matter if there are a thousand military people. More than 10 Department of Defense civilian employees. That is offensive, to have that kind of language in a DOD appropriations bill.

It prohibits reduction to disestablishment of the 53rd Weather Reconnaissance Squadron, Air Force Reserve, Mississippi. We all know we have the capability to monitor weather, thanks to modern technology.

It mandates continued availability of funds for the National Science Center for Communications and Electronics in Georgia.

It requires the Army to use the former George Air Force Base, California, as the airhead for the National Training Center.

We could not let the Army or Department of Defense make that decision. We require the U.S. Army, no matter what it may cost, to use George Air Force Base as the airhead for the National Training Center.

It authorizes the Secretary of Defense to waive reimbursement requirements relating to the costs to the Department of Defense associated with the conduct of conferences, seminars, and other educational activities of the Asia-Pacific Center.

It is well to note that the Asia-Pacific Center is located in Hawaii. Why don't we waive reimbursement requirements for any center in America or the world? Why just for the Asia-Pacific Center?

It transfers $10 million to the Department of Transportation to realign railroad tracks at Elmendorf Air Force Base and Fort Richardson, Alaska.

I wonder if there are railroad tracks that need to be realigned at other defense facilities in America. I would imagine so.

It mandates that funds used for the procurement of malt beverages and wine for resale on a military installation be used to procure such beverages from within that State.

Suppose they could get those beverages at a lower cost from some other State?

It earmarks $5 million for the High Desert Partnership in Academic Excellence Foundation, Inc., for the purpose of developing, implementing, and evaluating a standards- and performance-based academic model at schools administered by the Department of Defense Education Activity.

What makes the High Desert Partnership the place to get the $5 million?

Was there ever a hearing on it? Did the Personnel Subcommittee or Armed Services Committee ever look at it? No.

It earmarks $115 million to remain available for transfer to other Federal agencies.

That is $115 million; just transfer it to other Federal agencies. Why?

It earmarks $1.9 million for San Bernadino County Airports Department for installation of a perimeter security fence at Barstow-Daggett Airport, California.

It earmarks $20 million for the National Center for the Preservation of Democracy.

It earmarks $7 million for the North Slope Borough.

It earmarks $5 million to the Chicago Public Schools for conversion and expansion of the former Eighth Regiment National Guard Armory.

I argue, Mr. President, that there are guard armories all over America that could be converted.

It earmarks $1 million for the Middle East Regional Security Issues Program.

It earmarks $2 million, subject to authorization, for the Bosque Redondo Memorial in New Mexico.

It earmarks $300,000 for the Circum-Pacific Council for the Crowding the Rim Summit Initiative.

It earmarks $10 million for the City of San Bernadino, contingent on resolution of the case of City of San Bernadino v. United States.

Mr. President, it is obvious that this procedure in the Congress of the United States of authorizing and appropriating has lurched completely and entirely out of control. When you are earmarking $2 billion out of an appropriations bill which has neither been examined nor voted on by either body, we have a case that has got to be remedied, and we have obviously wasted billions of dollars of the taxpayers' money.

The American people deserve better. I say again to the distinguished members of the Appropriations Committee, with whom I have an excellent and warm personal relationship, this cannot stand. Next year, if this kind of practice continues, then I will have to do everything in my power to stop it, as I said before, not only because of my obligation to the taxpayers, which is significant, but my obligation to the men and women in the military who are being shortchanged by these procedures and, indeed, neglected in many respects.

I yield the floor and the remainder of my time.

Mr. STEVENS. How much time remains, Mr. President?

The PRESIDING OFFICER. There are 20 minutes remaining for Senator BYRD and 6 minutes for Senators STEVENS and INOUYE.

Mr. STEVENS. Mr. President, I shall use half of that 6 minutes, if I may be recognized.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, the conference report to accompany H.R. 4576, the Fiscal Year 2001 Defense Appropriations Act was endorsed by all the Senate conferees, and enjoys the full support of our distinguished ranking member Senator INOUYE.

This bill, in combination with the emergency supplemental bill passed last month, provides a true jump start to restore the readiness, quality of life, and modernization of our Armed Forces.

The Senate considers this conference report at the earliest point in the year since 1958—which means the Department of Defense can plan now to execute the funds provided by Congress for the full fiscal year.

Our adoption of this conference report today would not have been possible without the extraordinary effort and leadership of House Chairman, JERRY LEWIS.

In partnership with the former House Chairman, and current ranking member, JACK MURTHA, they reported the bill in early May, and presented it to the Senate in time for us to act prior to the July 4th recess.

Both committees set the FY 2001 bill aside to complete work on the FY 2000 supplemental in late June. That bill provided $6.5 billion to repay the Army for operations in Kosovo, and to address critical personnel, medical, and fuel cost increases.

This bill extends those initiatives, providing needed funds for new medical benefits for military retirees, real property maintenance, depot maintenance, and environmental restoration.

The most significant initiative contained in the conference report is the nearly $1 billion increase for the Army transformation effort.

Last October, Gen. Eric Shinseki, the new Chief of Staff of the Army, established a new vision for the Army—a more mobile, lethal and flexible force for the 21st century.

In this bill, funding is provided to procure the first two brigade sets of equipment for the new ''transformation'' force.

We are determined that this new force be equipped as rapidly as possible, and intend to maintain this pace of funding in fiscal years 2002 and 2003.

Meeting our national strategic priorities, the bill establishes a new national defense airlift fund, to procure C–17 aircraft.

The centerpiece of how our Nation can maintain its global leadership position is strategic mobility. As our force is as small, to meet our national commitments, we must be able to respond to crises anywhere on the globe—the key to that is the C–17.

Finally, this bill accelerates development, and seeks to reduce technical risk, on the full spectrum of our missile defense programs.

The conference worked to keep the airborne laser, space-based laser, national missile defense, and Navy theater-wide programs on track, and provide additional funds for the Arrow Joint Development Program with Israel.

It is again my privilege this year to join my colleague from Hawaii in presenting this bill to the Senate. We simply could not have completed our work without his leadership, guidance, and partnership. I would now like to yield to Senator INOUYE for his comments.

The PRESIDING OFFICER. the Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I want to begin by informing the Senate that, at $287.9 billion, this act represents the largest defense spending measure in history.

The act is $176 million more than was recommended by the Senate and $706 million below the House level.

The conference agreement is a fair compromise between the two Houses. Funding for many items of priority of each of the bodies have been included, but concessions were also required of each Chamber.

Our chairman and his House counterpart should be given great credit for this measure.

I am confident the funding contained in this act will allow our military to meet their most critical readiness and modernization needs in the coming year.

However, Senators should be advised that the bill does not provide a blank check to the Pentagon.

It includes reductions in some programs that, such as in the Navy's LPD–17, are behind schedule, over budget, or simply not ready to proceed.

In addition, the conferees concurred with the House, terminating the Discoverer II and Sadarm programs.

Mr. President, these were difficult decisions, but by making these tough choices the conferees were able to identify sufficient resources to protect those programs which are truly critical to the support of our military forces.

I want to assure my colleagues that the No. 1 priority in this bill is to protect near-term readiness.

The men and women willing to go into harm's way to protect the rest of us simply must be provided the tools they need to defeat any threat.

To help meet our readiness requirements, the conference agreement includes the following among its many accomplishments:

(1) Fully funds a 3.7 percent military pay raise;

(2) Provides an increase of more than $400 million for real property maintenance;

(3) Provides an increase of $234 million for depot maintenance; and

(4) Provides funding for a new pharmacy benefit for our older retirees.

At the same time, the bill provides sufficient funding for modernization programs so that future readiness will also be protected. We must continue to invest for the future to ensure we are never caught unprepared.

I am particularly pleased that the conferees were able to provide nearly

$1.4 billion in support the Army's newest initiative commonly referred to as ''transformation.''

These funds will allow the Army to begin to outfit its first two interim combat brigades with new equipment to test out this revolutionary concept.

This is the highest priority of the Army Chief of Staff and is critical to supporting our Army.

Mr. President, these are but a few of the many items included in this bill to ensure that our defense forces remain second to none.

Mr. President, this is a very good compromise agreement. I strongly encourage all my colleagues to support it.

Mr. President, a process of this nature, which involves appropriations in excess of $275 billion, is a result of many hours and many days of collaboration and consultation with hundreds of people, including the President, the various Secretaries, committee staff members, Senators, and Representatives. A measure of this magnitude, obviously, will be supported by some and criticized by others. One can never come forth with a ''perfect'' bill. It is just not possible.

However, I believe it is important that certain clarifications be made. I know, for example, that my dear friend from Arizona spoke of the Navy Theater-Wide Missile Defense Program and suggested that the House had not sought the funds, and neither did the President of the United States nor the Senate of the United States. However, I am certain the Senator would have noted, if he studied the report carefully, that this was debated on this floor for very many minutes. It was debated in the House, it was debated in the Appropriations Committee and in the authorization committee. The only difference was that the House provided $130 million to be designated for very specific purposes. In the Senate, for the same program, we provided $50 million for the whole program itself.

When the compromise was reached, we decided to let the Department of Defense make its allocations. So we drew a new line item. The new line item obviously was not requested by the President, nor by the House, nor by the Senate. But the matters debated and compromised were fully debated by this body. That can also be said for many other programs.

I wish to advise my colleague that as far as I am concerned, this measure is a good one. It addresses the needs of our military. It provides the funds that are necessary to feed, clothe, and adequately and appropriately arm our men so they can stand in harm's way with some confidence that they will be protected.

I commend my chairman, the Senator from Alaska, for his leadership on this matter. It is not easy.

I am the first to admit that there must be some waste in a measure of this magnitude. There are some that we may disagree with as to its merit and it relevance to do defense. But that is my view. Others may disagree with me. But I think overall this is a fine bill and it is worthy of support by the Members of the Senate.

I yield the remainder of my time.

SAR FACILITY

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I would like to engage the chairman of the Appropriations Committee and my colleague from Florida in a brief colloquy concerning the South-Florida based Advanced Tropical Remote Sensing Center and its Synthetic Aperture Radar [SAR] facility.

Mr. GRAHAM. Mr. President, I'd like to join Chairman STEVENS and my colleague from Florida in this colloquy to address this important issue.

Mr. STEVENS. I would be happy to address this important topic with Senator MACK and Senator GRAHAM. I am pleased to confirm that this conference agreement provides $4.9 million dollars for remote sensing research and development activities in the RDT&E Defense-Wide University Research Initiatives account.

Mr. MACK. I am very pleased to have this confirmation, and to know the Senators' personal interest and support. As the Senator is aware, one of our major objectives for this center, an objective supported by the leadership of SOUTHCOM, is to greatly enhance our nation's drug traffic interdiction capability.

Mr. GRAHAM. This will be the only SAR facility of its kind in the east, and the Department of Defense has indicated to us, its' strong interest in developing this capability further in South Florida. It was for this reason that we asked the Senate to approve, which it did, an amendment for up to an additional $5 million dollars specifically for drug interdiction activities at the facility.

Mr. STEVENS. I know that Senator MACK and Mr. GRAHAM intend that the Department of Defense drug interdiction officials provide all appropriate support possible on this important objective. Addressing the shortage of intelligence, surveillance, and reconnaissance coverage is an important step in strengthening DoD's drug interdiction efforts.

Mr. MACK. Mr. President, it was for the purpose of securing a clarification of their intent on this matter that I sought this colloquy. I thank them for their support, interest, and leadership.

Mr. GRAHAM. Mr. President, I look forward to working with Senator MACK and Chairman STEVENS to secure funding for this important project.

CRUSADER PROGRAM

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I rise to ask my friend, the distinguished chairman of the Appropriations Committee, for clarification on the language in the Defense appropriations conference report concerning the Crusader program. The language states that fifty percent of the funding for the Crusader program cannot be obligated or expended until thirty days after the Secretary of Defense submits the Congress a comprehensive Analysis of Alternatives (AOA) on the Crusader program. I would ask the Chairman, is this language intended to delay the continuing development of the Crusader program?

Mr. STEVENS. Mr. President, I would say to my friend from Oklahoma that the language in the statement of managers is not intended to delay the continued development of Crusader. I would also state that Senator INOUYE and I expect that the AOA should be completed and delivered to the Congress by December 15th of this year.

Mr. INOUYE. Mr. President, the Chairman is correct.

Mr. INHOFE. Mr. President, I believe that it is not the intent of the conferees to require that the Department of Defense prepare a weapon system analysis AOA as required for the Department of Defense Directives for system milestone reviews. Instead, I believe what is needed is a quicklook analysis that evaluates the capabilities and costs of Crusader and comparable weapons system alternatives to support the Army's Transformation Initiative to include the counterattack corps and brigade combat teams.

Mr. STEVENS. The Senator is correct.

LONGBOW APACHE HELICOPTERS

Mr. KYL. Mr. President, will the Senator from Alaska, the distinguished chairman of our Defense Appropriations subcommittee, engage in a colloquy with me on the topic of proposed international sales of Longbow Apache helicopters?

Mr. STEVENS. I will be happy to engage in such a colloquy with my colleague.

Mr. KYL. I thank the Senator for his time and compliment our distinguished Chairman for skillfully guiding this bill through the challenging process of mark-up and conference. As the Chairman is well aware, the Stinger air defense missile and the Apache Longbow are two programs of great interest to me and to the state of Arizona. Over 41,000 Stinger missiles have been delivered and over $4 billion has been invested in Stinger weapons and platforms, and over 1,200 Apaches have been delivered to the U.S. and our allied forces.

Mr. STEVENS. I am aware of the Senator's interest and of the Stinger's and Apache's capabilities. They are fine systems and have received the support of this committee for years.

Mr. KYL. And I thank the Chairman for the committee's report. Sales of Apache Longbow and Stinger, however, apparently are being jeopardized by what I believe is a misinterpretation of congressional language contained in the FY00 DoD conference report. Therefore, I am seeking his help in clarifying the intent of Congress with regard to that provision.

In the FY00 DoD Appropriations bill, section 8138 directs the Army to ''conduct a live fire, side-by-side operational test of the air-to-air Starstreak and air-to-air Stinger missiles from the AH–64D Longbow helicopter.'' The provision further states that the Army is ''to ensure that the development, procurement or integration of any missile for use on the AH–64 [Apache] or RAH–66 [Comanche] helicopters . . . is subject to a full and open competition which includes the conduct of a live-fire, side-by-side test as an element of the source selection criteria.'' My understanding is that the intent of this provision was to direct the Army to conduct a test of two systems in order to ensure that its helicopters are fielded with the best possible air-to-air missile.

The problem, is that the Army has interpreted this provision so broadly as to prevent the sale of Apaches equipped with a Stinger air-to-air capability to our allies. Apparently the Army view is that they cannot do so until the operational test is conducted. Is it the Chairman's understanding that this language was intended to in any way obstruct the potential sale of Stinger-equipped Apaches to any U.S. ally?

Mr. STEVENS. I believe that the intent of Section 8138 was to require the Army to conduct an operational test of Stinger and Starstreak, not to impede sales of the Apache.

Mr. KYL. I thank the distinguished Chairman for engaging in this colloquy and for his insight, and I yield the floor.

ABRAMS-CRUSADER COMMON ENGINE PROGRAM

Mr. NICKLES. Mr. President, I commend Senator STEVENS for his leadership and work on this important bill. Clearly, America has a continuing need to maintain a robust, well equipped military that is capable of defending freedom and preserving the peace. This bill advances the Department of Defense and our military services toward this objective.

One element of this bill involves the U.S. Army's innovative effort to improve the Operation and Support cost of our M–1 Abrams main battle tank and the new Crusader Mobile Artillery system. For several years, the Army has recognized that the maintenance and support cost of the present M–1 tank was excessively high. Concurrently, the Army was developing the next generation of mobile artillery systems—to be called the Crusader.

Late last year, the Army made a bold decision to pursue a consolidation of the engine component of both the M–1 and Crusader program. This consolidated effort is called the Abrams-Crusader Common Engine (ACCE) program. By consolidating the engine procurement for both vehicles, the goal is to reduce the costs to the Army for both vehicles.

Mr. President, I noticed that the Senate version of this bill reduced the amount of funds available for the ACCE program by $48 million. I learned the committee had concerns over the Army's interest in developing a new engine for these two vehicles. This conference report, however, restores $20 million to the ACCE program. I would ask the chairman of the committee if the restoration of this $20 million reflects a change in the committee's view of the program or do you remain concerned that the program is too costly and adds concurrency to the Crusader system?

Mr. STEVENS. I thank the assistant majority leader for his kind words and note that I have very good support and participation on the defense subcommittee with Members from both sides of the aisle, so I share his kind words with my colleagues on the committee.

Regarding the ACCE program, the Senator is correct: this conference report restores $20 million to the ACCE program. He is also correct that the Senate bill had a larger cut to the program and that the cut reflected substantial reservations over the cost of a new developmental engine for both the M–1 and the Crusader.

Mr. NICKLES. Mr. President, I thank the Chairman for that explanation. It is encouraging to once again recognize that the Chairman—while a vigorous advocate for a robust defense capability—is constantly vigilant to ensure that the money we spend for defense is also a sound investment.

The Army's initiative to re-engine the M–1 is a good idea. Maintenance and fuel costs associated with operation of the M–1 are very high; perhaps as much as 60 percent of the M–1's total O&S cost. Replacing the current gas turbine engine with a more fuel-efficient and reliable engine has the potential to save substantial amounts for the Army. However, the cost to develop a new engine could be quite high. There is even one press article citing a Defense Department official indicating the development costs could approach a half billion dollars. So, while the Army initiative is a good one, the costs associated with the program are prohibitive.

Regarding the Crusader program, the engine selection will be critical to the overall performance and success of the vehicle program. If the Army were to proceed with the consolidated ACCE program, it is clear that concurrency in the Crusader program would be higher than if the Army selects an engine already developed and currently in production.

As a final question for the Chairman, does the cut reflected in this conference report for the ACCE program indicate a lack of support for the M–1 re-powering effort or the Crusader system?

Mr. STEVENS. Mr. President, this conference report contains funds to support both the Crusader vehicle and the M–1 re-powering effort. These efforts are supported in the final bill. The final funding levels reflect the substantial concern over the cost to develop a new engine, as well as the desire to see the Army pursue an NDI solution.

Mr. NICKLES. Mr. President, I appreciate the time and attention of the Chairman to my concerns related to the Crusader system and the ACCE program, in particular.

BAYONET 2000

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I would like to ask the distinguished chairman of the Appropriations Committee a question regarding the defense appropriations conference report for fiscal year 2001. I noticed that the conference report retained a very important project to buy new bayonets for the Marine Corps. Is the funding within the Marine Corps Procurement line in fact for Bayonet 2000?

Mr. STEVENS. The Senator is correct. The conference report includes $2 million for Bayonet 2000 in the Marine Corps procurement account.

Mr. INOUYE. I also concur with Chairman STEVENS.

Mr. SPECTER. I thank the distinguished Chairman, and the distinguished Ranking Member for that clarification, and appreciate their hard work on the conference report.

MTAPP

Mr. SANTORUM. Mr. President, I rise today to query my distinguished colleague from Alaska, the chairman of the Appropriations Committee, on a program of importance to my constituents. Mr. Chairman, is it the intention of the conference committee that of the $4,000,000 appropriated in the Air Force's operation and maintenance title for the Manufacturing Technical Assistance Pilot Program (MTAPP), $2,000,000 shall be expended during fiscal year 2001 only for the continued expansion of the program into Pennsylvania through the National Education Center for Women in Business at Seton Hill College? As the Chairman may know, half of the appropriated FY2000 funds are not being provided to the program in Pennsylvania, and I seek to ensure that during FY2001 the funds are allocated between the two MTAPP programs.

Mr. STEVENS. My distinguished colleague from Pennsylvania is correct that the conference committee intends that $2,000,000 of the Fiscal Year 2001 appropriation for MTAPP be expended in Pennsylvania through the National Education Center for Women in Business at Seton Hill College. Further, it is my understanding that FY2000 monies intended to be spent in Pennsylvania pursuant to last year's appropriations bill have yet to be obligated. Therefore, I wish to express to the Senator my clear intent to ensure that FY2000 and FY2001 monies fund the MTAPP in the manner this committee and the Congress intend.

ELECTRONIC WARFARE SYSTEM

Mr. GREGG. Mr. President, I was wondering if the distinguished Chairman of the Appropriations Committee

would rise to engage in a brief colloquy.

Mr. STEVENS. I am happy to accommodate the Senator.

Mr. GREGG. I congratulate the Chairman on a strong bill that will improve our national security. As a conferee I understand the many challenges he faced in putting this bill together. While I support the overall bill, I would like to express my deep concern over a provision of this conference report that reduces funding for an important electronic warfare system for the F/A–18E/F. The conference report reduces funding for the Integrated Defensive Electronic Countermeasure (IDECM) program by $29.6 million in the F/A–18E/F procurement account. I understand that this reduction may provide insufficient funding for Low Rate Initial Production, significantly increase the risk to full rate production, and may mean that operationally deployed F/A–18E/F aircraft will not have adequate protection against radio frequency guided missile threats. Therefore, I would like to ask the Chairman for his support in addressing this issue for FY01.

Mr. STEVENS. I appreciate the Senator's concerns. My understanding is that the Navy planned to buy 30 Low Rate Initial Production units. However, testing of the IDECM system occurs throughout fiscal year 2001. The operational evaluation of the IDECM System will not be complete until early in fiscal year 2002. The conferees were concerned about a large LRIP buy proceeding ahead of the test program. The conference recommendation still allows the Navy to buy 20 units, more than the number required for the operational deployment. I will work with you to review the test results and to ensure that the LRIP program is appropriate.

ALCOHOLISM RESEARCH

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I would like to engage the Chairman of the Appropriations Committee and my colleague from Alaska in a brief colloquy concerning the Peer Reviewed Medical Research Program that is funded again this year in the Defense appropriations bill. Would research proposals related to alcoholism be appropriate for consideration under the Peer Reviewed Medical Research Program?

Mr. STEVENS. The Senator is correct. The conference report includes $50 million in funding for the Department of Defense to conduct a Peer Reviewed Medical Research Program to pursue medical research projects of clear scientific merit and direct relevance to military health. Alcoholism research would be an entirely appropriate candidate for funding consideration.

Mr. HARKIN. I thank the Senator.

Mr. INOUYE. Mr. President, the statement of the managers to accompany the conference report on H.R. 4576 included a table to delineate the projects recommended for funding in the Defense Health Program. Unfortunately, the information included in the CONGRESSIONAL RECORD and printed in House Report 106–754 deleted one line from the recommended list of projects. To clarify the agreement of the conferees, I ask unanimous consent that a table taken from a copy of the official papers which lists the actual agreement be printed in the RECORD.

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

EXPLANATION OF PROJECT LEVEL ADJUSTMENTS

[In thousands of dollars]

	Budget	House	Senate	Conference
Operations and Maintenance:				
Government Computer-Based Patient Records		(10,000)		(6,000)
Comprehensive breast cancer clinical care project [Note: The conferees support continuation of a public/private effort, in coordination with a rural medical center and a not-for-profit medical foundation, to provide a program in breast care risk assessment, diagnosis, treatment, and research for the Department of Defense. The program shall be a coordinated effort among Walter Reed Army Medical Center, National Naval Medical Center, an appropriate non-profit medical foundation, and a rural primary health care center, with funding management accomplished by the Uniformed Services University of the Health Sciences.] [Transferred from RDT&E,A.]		7,000		7,000
Post-polio Syndrome [Transferred from RDT&E,N.]		3,000		3,000
Coronary/Prostate Disease Reversal [Transferred from RDT&E,N.]				6,000
Community Hospital Telehealth Consortium				1,000
Medicare Eligible Health Options Study		2,000		2,000
Claims Processing Initiative		3,600		3,600
Military Treatment Facilities Optimization		134,000		
Reimbursement for Travel Expenses		15,000		
Reduced Catastrophic Cap		32,000		
Senior Pharmacy Benefit		94,000		
Military retiree pharmacy benefit			137,000	
Senior Pharmacy Increase				100,000
Outcomes Management Demonstration at WRAMC			10,000	10,000
Pacific Island Health Care Referral Program			8,000	8,000
Automated Clinical Practice Guidelines			7,500	7,500
Hawaii Federal Health Care Network (PACMEDNET)			7,000	7,000
Clinical Coupler Demonstration Project			5,000	5,000
Center of Excellence for Disaster Management and Humanitarian Assistance [Transferred to O&M, Navy.]			5,000	
Tri-Service Nursing Research Program			4,000	4,000
Defense and Veterans Head Injury Program			3,500	
Graduate School of Nursing			2,000	2,000
Brown Tree Snakes			1,000	1,000
Alaska Federal Health Care Network			1,000	1,000
Biomedical Research Center Feasibility Study			1,000	1,000
Oxford House DoD Pilot Project			750	750
Uniformed Services University of the Health Sciences			(6,300)	(6,300)
Research and Development	65,880	327,880	402,880	413,380
Head Injury Program		2,000		3,000
Joint U.S.-Norwegian Telemedicine		4,000		2,000
Cancer Research ([Note: Only for cancer research in the integrated areas of signal transduction, growth control and differentiation, molecular carcineogensis and DNA repair, cancer genetics and gene therapy, and cancer invasion and angiogensis.]		6,000		5,500
Army Peer-Reviewed Breast Cancer Research Program		175,000	175,000	175,000
Army Peer-Reviewed Prostate Cancer Research Program		75,000	100,000	100,000
Ovarian Cancer Research Program			12,000	12,000
Peer Reviewed Medical Research Program			50,000	50,000

Mr. INOUYE. Mr. President, at my request, the conferees added a $2 million item to match a program that the House had included. This program, under the Research, Development, Test and Evaluation, Navy Appropriation, is listed under the Human Systems Technology Program as ''Maritime Fire Training/Barber's Point''.

This funding is to be available to enhance the ability of the Department of Defense to meet its civilian crewing demand and assist in maintaining a cadre of qualified seafarers for times of national emergencies.

The Department of Defense is facing a significantly smaller pool of Merchant Mariners than existed in the past. In recent Senate testimony, Vice Admiral Gordon Holder, Commander of the Military Sealift Command, identified the issue of Merchant Mariner availability as a key issue to his command. Admiral Holder testified that ''MSC's difficulty in recruiting and retaining a professional cadre of civil service merchant mariners also extends to the U.S. Commercial Merchant Fleet.'' Moreover, a recent study by the National Defense Transportation Association has identified potential merchant mariner shortages. The new requirements of the standards of training, certification, and watchkeeping will have an impact on our ability to maintain a qualified pool of seafarers.

The Pacific Theater is the fastest growing sector for civilian U.S. Merchant Mariners, with at least 2,500 civilian seafaring jobs coming online over the next three years. To assist the Department of Defense in meeting its civilian merchant mariner requirements, the conferees provided this funding. It is contemplated that the funds will be used for a maritime fire training facility at the Hawaii National Guard Facilities at Barber's Point. The facility will be used to train service component and civilian merchant mariners.

Mr. REID. Thank you for your hard work on this bill. This will provide the funding necessary for a strong military. I rise today to discuss one item contained in the Defense Appropriations Conference Report

The Conference Report includes language under Drug Interdiction and Counter-Drug Activities, Defense, National Guard Counterdrug Support directing that of the funding provided in the Drug Interdiction and Counter-Drug Activities account, $2,000,000 above the state allocation be provided to the Nevada National Guard to allow for the Counterdrug Reconnaissance and Interdiction Detachment unit in northern Nevada to expand operations to southern Nevada.

I would like to clarify that the funds for this project should be made available from the overall ''Drug Interdiction and Counter-Drug Activities, Defense account of $869,000,000 and not from the money allocated to the National Guard Counter-Drug support program, sometimes called the Governor's State Plan, which was also separately increased by $20,000,000 in the bill. I believe that this is reasonably clear from the language of the report, but I wanted to ensure there was no confusion. Is my description of the breakdown of the funding correct?

Mr. STEVENS. Yes, your interpretation of the language is correct.

Mr. REID. Thank you, Mr. Chairman, I appreciate your clarification and again would like to thank you for your good work on this bill and support of the military.

Mr. FEINGOLD. Mr. President, the Department of Defense appropriations conference report that the Senate will pass today does not reflect the realities of the post-Cold War world in which our men and women in uniform serve this country.

I want to state very clearly, Mr. President, that my opposition to this bill should not be interpreted as a lack of support for our men and women in uniform. Rather, what I cannot support is the Cold War mentality that continues to permeate the United States defense establishment.

I strongly support our Armed Forces and the excellent work they are doing to combat the new threats of the 21st century and beyond. However, I am concerned that we are not giving our forces the tools they need to combat these emerging threats. Instead, this bill clings to the strategies and weapons that we used to fight—and win—the Cold War.

I say again today what I have said so many times before. The Cold War is over, Mr. President. It is time we stopped fighting it.

For example, as my colleagues know, I strongly support terminating production under the Navy's Trident II submarine-launched ballistic missile program. During the recent consideration of the Department of Defense authorization bill for fiscal year 2001, I offered an amendment that would have terminated production of this Cold War-era weapon, which was designed specifically to be a first-strike strategic missile that would attack targets inside the Soviet Union from waters off the continental United States.

I deeply regret that the Senate did not adopt this amendment, and that production of the Trident II missile will continue for at least one more year. This conference report includes more than $433 million to purchase 12 more of these missiles, as well as another $9.5 million in advanced procurement funds for additional missiles the Navy hopes to buy in future years.

It is beyond my comprehension why the Navy needs more of these missiles when it already has 372 in its arsenal. Despite the fact that it already has ten submarines that are fully equipped with this devastating weapon, the Navy wants to backfit four of its older Trident I submarines with these newer weapons. To achieve this, the Navy wants to have a total of 425 of these missiles, so the President continues to request them in his budget. And the Congress continues to spend the taxpayers' money on acquiring more Trident II missiles even as the United States negotiates further arms reductions with Russia.

I also continue to be deeply concerned about the Pentagon's procurement strategy for tactical aircraft. This conference report includes nearly $2.8 billion for the multi-year procurement of 42 of the Navy's FA–18E/F aircraft. My opinion on this program is well known. I have not been shy about highlighting the program's myriad flaws, not least of which is its inflated cost compared to the marginal at best improvement over the FA–18C/D aircraft. I am troubled that the Department of Defense and the Congress are committing $2.8 billion in taxpayer money to purchase 42 of these aircraft when there are still so many design problems that need to be overcome. And this is just the first installment for the taxpayers. The Navy hopes to eventually have a fleet of 548 of these aircraft.

The General Accounting Office concluded in a report issued in May 2000 that the noise and vibration problems with the aircraft's wings, which the Navy has known about since September 1997 but has not corrected, are sufficient cause to delay multi-year procurement of the FA–18E/F. GAO argued that if this problem is not corrected before full-rate production, costly retrofitting and redesign of the wings will likely be necessary later. The GAO report also outlined serious problems with the plane's engine. Despite GAO's recommendation, and despite the fact that, in a February 2000 report, the Department of Defense's own Commander of the Operational Test and Evaluation Force found that there are 27 major and 88 minor deficiencies in the aircraft, and that five of the major deficiencies concern its aerodynamic performance, the Pentagon has chosen to move forward with this costly multi-year procurement.

In my view, Mr. President, the Department of Defense should have been absolutely sure this aircraft's design problems were addressed before beginning a multi-year procurement process. I continue to have serious concerns with the safety, effectiveness, and cost of this plane. I will continue monitor closely this procurement, including attempts to resolve the problems outlined by GAO, and I will continue to scrutinize future appropriations requests for this program.

The Cold War-era Trident II missile and the new FA–18E/F aircraft are just two of the many examples of questionable spending in this bloated Defense Appropriations bill.

Mr. President, this debate is really one about priorities. Of course all of the members of this body would agree that we must maintain a strong national defense. Our debate should be about how we can best maintain a strong defense, modernize our forces to respond to the new threats of the 21st century, adequately compensate our men and women in uniform, and reign in the out of control defense spending that continues to line the pockets of contractors around this country.

And it is high time that the Pentagon rethink its priorities. I am utterly appalled that at a time when members of our Armed Forces are on food stamps that this body tabled, by a 65–32 vote, an amendment offered by the Senator from California [Mrs. BOXER] to strike a provision in the Senate version of this bill which would allow the Secretaries of the Army and the Navy to spend taxpayers' money to lease nine so-called ''operational support aircraft.'' These aircraft are actually luxury jets that are used to transport high-level military officers. This provision, which was included in the pending conference report, will allow nine more of these jets to be leased, three each for the Army, Navy, and Marine Corps. The General Accounting Office has argued that such a lease is costly and unnecessary.

Mr. President, this bill exceeds the fiscal year 2000 level by nearly $20 billion. The Congress has given the Pentagon $3.3 billion more than it says it needs to defend this country. The Congress has added aircraft and ships that

the Pentagon did not request, and added spending in other areas, and somehow has not yet managed to fully fund the National Guard.

Mr. President, as I have said time and time again, there are millions upon millions of dollars in this bill that are being spent on out-dated or questionable or unwanted programs. This money would be better spent on programs that truly improve our readiness and modernize our Armed Forces instead of on programs that continue to defend us against the hammer and sickle that no longer looms across the ocean. This money also would be better spent on efforts to improve the morale of our forces, such fully manning and adequately compensating our National Guard; ensuring that all of our men and women in uniform have a decent standard of living; or providing better housing for our Armed Forces and their families.

Thank you, Mr. President.

Mr. REED. Mr. President, I rise to voice my objection to a particular provision of the Fiscal Year 2001 Defense Appropriation Act. Overall, I believe this legislation does much to meet the needs of the U.S. military. However, I believe that a provision relating to the procurement of C130Js sets a dangerous precedent which may jeopardize the military readiness of our nation.

The Air Force requested two C130J aircraft in the FY01 budget. No other aircraft presently in the Air Force inventory can do what the C130 does. It is capable of taking cargo into small, unimproved airfields where larger, jet engine aircraft are not capable nor designed to go. The C130 is our only ''intra theater'' airlift, unlike the C17s, C141s and C5 which are ''inter theater'' airlift.

Each year that the Air Force has received appropriations for C130Js, it has assigned the aircraft to those units in its total force which were in greatest need. In 1978, the Air National Guard even developed sound guidelines, based on objective criteria, to ensure that the units with the most aged and corroded aircraft received replacements first. This allocation method has been fair and effective and ensured that all units of our Air Force are modernized in an appropriate manner.

For the past twenty-one years the Air Force has had the authority to determine where newly acquired aircraft were assigned—and the units most in need received the planes. However, many units are still flying planes which first flew in Vietnam and are rapidly reaching the end of their useful service life.

This year, however, the Defense Appropriations Act directs that the two C130Js go to Western States Air National Guard units for firefighting. First, let me say that I am sympathetic to anyone at risk for forest fire damage. However, I question whether firefighting should be the determining factor for the allocation of military aircraft, particularly when the aircraft in this bill would be used to replace existing firefighting aircraft. Secondly, the designation of these aircraft for Western States deviates from the guidelines which the National Guard designed and has followed for the past twenty years. These aircraft units are not at the top of the Air Force's priority replacement plan. Lastly, and most importantly, the inclusion of this directive language could set a very bad precedent. This would be the first time Congress has usurped the authority of the Air Force in determining which units should receive new C130 aircraft.

It is my hope that this provision is an exception to the rule and that next year the Congress will not override the decision of the Air Force to allocate aircraft based on an objective evaluation of need. I hope that, and will work to ensure that, Congress allows the Air Force to exercise its judgement in deciding which units should be modernized with any aircraft approved in the budget process. To do otherwise raises serious doubts about our commitment to military readiness.

Mr. ROBB. Mr. President, I am supporting the fiscal year 2001 Defense Appropriations Act with a very mixed sense of frustrated resignation and expectant hope for the way we are resourcing our national defense. A major source of frustration this year is that we will have missed yet another opportunity through the decision made in the budget process to meet our new, growing or neglected national security requirements.

We should have been able to fix our military medical health care system and keep our promise of health care to thousands of military retirees who feel they have been cheated by the nation. We should have been able to raise the pay of our service members to bring it more in line with the private sector faster. We should have been able to fund our dangerous ship and aircraft maintenance backlogs. We should have been able to lay the foundation for increasing our ship construction rate to ensure we keep our 300-ship Navy strong and ready. We should have been able to increase our funding of basic science and technology to set the conditions for the rapid development of the next generations of ships, aircraft, and land combat forces.

It is a source of continuing disappointment to me that there is still too much parochial, pork-barrel spending in the defense appropriation process. Last year, the Defense Appropriations bill was so overburdened with pork, I voted against it in protest. Increasing defense spending, so necessary to the demands of our national security today and into the future, will not improve our military capability and readiness if money is funneled into projects that serve parochial interests, not the national interest.

My views on the need to increase defense spending and my objections to pork-barrel spending are well known and I regret the missed opportunity this appropriation represents. Yet, having said that, there are many elements of this defense appropriations act that are critically important and which I fully support. This appropriation continues the trend and our commitment in the Congress to increase spending for our national defense—$15 billion above last year's appropriation and $3.3 billion above the President's request. Most importantly, it does more to take care of our most important national security resource—people. This appropriation increases pay for our service men and women by 3.7 percent, increases housing allowances for military families, increases quality of life enhancements, and increases enlistment and retention bonuses to deal with critical challenges in personnel.

This appropriation supports important ship construction and maintenance requirements to keep our Navy strong and ready. It provides full funding, $4.1 billion, for our next aircraft carrier CVN–77 and $1.7 billion for procurement of a third Virginia Class for New Attack submarines. Very importantly, this appropriation increases the President's request for ship depot maintenance by $142 million, and appropriately makes these funds immediately available to the Navy as a matter of emergency to deal with a critical ship repair backlog.

We need to take a lesson from this session's consideration of how Congress provides for the common defense. We need to take advantage of historic budget surpluses to objectively and aggressively deal with the challenges of defending America's interests in a still very dangerous world. We need take advantage of a political and popular willingness to invest in today's and tomorrow's security and ensure that we fully resource our armed force's requirements for a good quality of life, training, equipment, maintenance, and modernization. Finally, Mr. President, we need to take advantage of an opportunity to keep our promise of health care to the thousands of military retirees who gave the best years of their lives to the defense of this nation. I regret we missed this opportunity, but on balance, this bill satisfies many of our national security requirements, and merits support.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I am authorized to do so, and I yield the remainder of the time of the Senator from West Virginia, Mr. BYRD.

Mr. President, has all time now been yielded?

The PRESIDING OFFICER. It has.

Mr. STEVENS. The time set for the vote on this bill is 3:15. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. STEVENS. I thank the Chair.

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

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

ENERGY AND WATER APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I rise to express my concern and the concerns of my constituents regarding Section 204 of the FY 2001 Energy and Water Appropriations legislation now before us, the provision which affects the conservation of the silvery minnow. News of the showdown between federal and state agencies over the conservation of this fish on the Rio Grande has reached my state. My constituents are now concerned, Mr. President, about the impact this language will have on the future survival of this species, as well as the precedent that language of this type will have on the implementation of the Endangered Species Act in Wisconsin and across the country. They are so concerned, that on July 22, 2000 a constituent drove from Madison to a fair in Waukesha to speak to me about this matter and missed me by minutes. When constituents are that concerned, I have to bring it to the attention of other members of this body.

The White House on Friday threatened to veto the Energy and Water Development bill, in part because of this provision that could prevent protection of the endangered Rio Grande silvery minnow.

I am concerned, Mr. President, that we would be seeking to take this action in this bill because, while we are here in Washington, in Albuquerque, federal, state, and environmental lawyers are continuing a federal court-ordered mediation. This mediation is seeking something much more important than legislative ink on the page, Mr. President, rather it seeks river water for the minnow before its critical habitat runs dry—unfortunately it could run dry potentially as soon as next week.

The Department of Interior, through its U.S. Fish and Wildlife Service and Bureau of Reclamation, is trying to keep the minnow from oblivion.

Let me explain my concerns, Mr. President. They are concerned that Section 204 would prevent the Bureau of Reclamation from using any funds to open irrigation dams. It is the opening of those dams that would provide direct river flow to sustain the minnow. I understand that earlier this month, the Bureau of Reclamation caused concern within the irrigation district with its legal opinion that the government owns the dams.

I understand that legal ownership and contractual and other water rights issues in the West are extremely contentious. I am grateful to come from a riparian water rights state, and to avoid these kinds of disputes in Wisconsin. But, I'll tell you, Mr. President, Wisconsinites expect that Congress will stay out of this legal wrangling when a species' survival is at stake.

These dams help divert the flow of the river to some 10,000 farmers of the Middle Rio Grande Conservancy District. The conservancy district holds long-standing rights to the water under state law, which does not recognize in-stream flow for fish as a beneficial use. But the Bureau of Reclamation has told the conservancy district that the dams must be operated so an in-stream flow of at least 300 cubic feet per second can sustain a ''last stand'' surviving population of minnows downstream.

The White House has said ''the Administration strongly objects to provisions included in the Senate bill'' that would ''severly constrain'' the government's efforts to protect and sustain the minnow. Moreover the Office of Management and Budget has said that ''adequate flows'' must be ensured on the Rio Grande and warned that a ''failure to protect the minnow this year could lead to its extinction.''

Mr. President, my constituents want the water managers and environmentalists to continue the court ordered mediation they have begun. The parties to the mediation are environmental groups; the conservancy district; the Bureau of Reclamation; the state water engineer; and the city of Albuquerque.

The Rio Grande silvery minnow occurs only in the middle Rio Grande. Threats to the species include dewatering, channelization and regulation of river flow to provide water for irrigation; diminished water quality caused by municipal, industrial, and agricultural discharges; and competition or predation by introduced non-native fish species. Currently, the species occupies about five percent of its known historic range.

This species was historically one of the most abundant and widespread fishes in the Rio Grande basin, occurring from New Mexico, to the Gulf of Mexico. It was also found in the Pecos River, a major tributary of the Rio Grande, from Santa Rosa, New Mexico, downstream to its confluence with the Rio Grande in south Texas. It is now completely extinct in the Pecos River and its numbers have severely declined within the Rio Grande.

Decline of the species in the Rio Grande probably began as early as the beginning of the 20th century when water manipulation began along the Rio Grande. Elephant Butte was the first of five major dams constructed within the silvery minnow's habitat. These dams allow the flow of the river to be manipulated and diverted for the benefit of agriculture. As times this manipulation resulted in the dewatering of some river reaches and elimination of all fish. Concurrent with construction of these dams, there was an increase in the abundance of non-native and exotic fish species, as these species were stocked into the reservoirs created by the dams. Once established, these species often out competed the native fish.

The only existing population of minnow continues to be threatened by annual dewatering of a large percentage of its habiat. My constituents want to be assured that their future survival is not threatened by legislative action. That is why I have strong concerns about this provision and would like to see that it is removed from the bill.

I yield the floor and 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. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

UNANIMOUS CONSENT REQUEST—S. 2912

Mr. REID. Mr. President, I ask unanimous consent that, notwithstanding rule XXII, the Senate proceed to the consideration of S. 2912.

The PRESIDING OFFICER. In my capacity as a Senator from Illinois, I object.

Mr. REID. Mr. President, I am disappointed that there has been an objection, but I am not surprised.

I say to my friend from Massachusetts, who is on the floor, who has been a leader on these issues for 35 years—that is, in trying to establish some fairness in immigration policy.

Mr. KENNEDY. If the Senator would be good enough to yield.

Mr. REID. I am happy to yield to my friend from Massachusetts.

Mr. KENNEDY. It is a privilege to join my colleagues in introducing the ''Latino and Immigrant Fairness Act of 2000.'' This important legislation will help re-establish fairness and balance in our immigration laws by making it fairer to apply for green cards, advancing the date for registry from 1972 to 1986, and providing equal treatment for Central American and Haitian immigrants.

Our legislation will also provide fairness for immigrants from Central American countries and Haiti. In 1997, Congress granted permanent residence to Nicaraguans and Cubans who had fled from dictatorships in those two countries. But it excluded many other Central Americans and Haitians facing similar conditions. The legislation will eliminate this unfair disparity by extending the provisions of the 1997 Act to all immigrants from Central America and Haiti.

By providing parity, we will help individuals such as Gheycell, who came to the United States at the age of 12 with her father and sister from worn-torn Guatemala. She went to school here, and became active in her community. In high school, she formed a club that helped the homeless in Los Angeles. She is now attending college. Her

family applied for asylum and all were given work permits. They now qualify for permanent residence. But because Gheycell is 21, she no longer qualifies, and risks being deported to Guatemala. Under our proposal, she will be able to remain in the United States with her family and continue her education.

The legislation will also change the registry cut-off date so that undocumented immigrants who have been residing in this country since before 1986 can remain in the United States permanently. The registry date has periodically been updated since the 1920's to reflect the importance of allowing long-time, deeply-rooted immigrants who are contributing to this country to obtain permanent residence status and eventually become citizens.

These issues are matters of simple justice. The Latino and Immigrant Fairness Act is strongly supported by a broad coalition of business, labor, religious, Latino and other immigrant organizations. Conservative supporters include Americans for Tax Reform and Empower America. Labor supporters include the AFL-CIO, the Union of Needletrades and Industrial Textile Employees, and the Service Employees International Union. Business supporters include the National Restaurant Association and the American Health Care Association.

All of the major Latino organizations support the bill, including the Mexican American Legal Defense and Educational Fund, the National Council of La Raza, the League of United Latin American Citizens, and the National Association of Latino Elected and Appointed Officials. Religious organizations supporting the bill include the U.S. Catholic Conference, the Anti-Defamation League, and the Lutheran Immigration and Refugee Services. Members of these groups agree that immigrants are an important asset for the economy, and that by enabling them to become permanent residents, they will be freed from exploitation.

This legislation will adjust the status of thousands of workers already in the U.S. and authorize them to work. This policy is good for families and good for this country. It will correct past government mistakes that have kept countless hard-working immigrant families in a bureaucratic limbo far too long. In taking these steps, Congress will restore fairness to our immigration laws and help sustain our economic prosperity.

I understand, we are coming into the last day of this particular session of this Congress. We will have approximately 4 weeks when we return. But we are running into the last days.

The Senator from Nevada was asking for consideration—since we have been in a quorum call, we probably do have the time to deal with these issues, which are not new issues—that we take the steps to try to provide some simple justice for many of our fellow citizens and workers here in the United States who have, because of the failure of action by Congress, or because of the particular decisions of the courts, been denied fairness in their treatment before the law.

I would like to ask the Senator from Nevada if he remembers the time, about 3 years ago, when we saw action taken in order to permit permanent resident status for Nicaraguans and Cubans. And yet, at least at that time, there were solemn guarantees that we were going to be able to have similar consideration for Guatemalans, El Salvadorans, Haitians, the other Central Americans who have been involved in similar kinds of conflict.

There was a unified position within the community that—because of the turmoil, because of the dangers to many of those people in returning to their country, dangers of retribution—that we ought to give them at least the opportunity for permanent resident status. A decision was made at that time to only do it for the Nicaraguans and the Cubans. But there was the promise that we were going to do it for the rest of the Central Americans.

This effort by the Senator from Nevada basically says: we made the promise. We gave the guarantee to these individuals. This is an effort by the Senator from Nevada to make sure that Nicaraguans, Cubans, Haitians, Guatemalans, and El Salvadorans are treated fairly and treated the same.

Is that one of the efforts that the good Senator is attempting to achieve?

Mr. REID. I respond to my friend from Massachusetts, that is true. We were promised. It was not a question that we would work on it. We were given every assurance that Haitians, Central Americans, people who lived under some of the most oppressive regimes in the history of their countries, would be granted the same privileges that the Cubans and Nicaraguans received. I was happy that the Cubans and Nicaraguans received basic fairness.

However, I say to my friend from Massachusetts, we are not asking for anything that is outlandish or new. This is the way America has been conducting its immigration policy since the birth of our republic. Is that not true?

Mr. KENNEDY. The Senator is correct. At this time, our fellow citizens ought to understand that if you are Guatemalan, El Salvadoran—someone who has been involved in the conflict in that region over the years and is now in the United States—you go off to work in the morning, and you may be married to an American wife, and you may have children who are Americans, and you can be picked up and deported, while the person who is working right next to you in the same shop may have been born 5 miles away but will have the protections of law.

Does that seem fair to the Senator from Nevada?

Mr. REID. No, it does not seem fair, I say to my friend from Massachusetts. It does not seem any more fair than a story I will tell the Senator, which he has heard me tell before. It is a story that is embedded in my heart and which has prompted me to speak out on these issues.

Secretary Richardson and I visited a community center in Las Vegas. We were told to go in through the backdoor because there were people outside who were demonstrating. I say to my friend from Massachusetts, we decided that we would not going through the backdoor.

These people that were demonstrating were good American people who were there saying: I am married to someone from Mexico, or El Salvador, or Guatemala. They were saying: We have children who have been born in this country. They have taken my husband's work card away from him. He can no longer make payments on our house, our car.

Other people I talked to, they had lost their houses, they had been evicted from their homes, they had lost their jobs. And those jobs are not that easy to fill in Las Vegas.

I say to my friend, I believe that justice calls out for this. We hear terms such as ''fairness'' and ''social justice.'' Those terms are spoken on this floor a lot. But sometimes they are only words. To the people Bill Richardson and I met with in Las Vegas, however, these are more than words. These people, if the legislation we are trying to consider today was passed, would be able to have the satisfaction that their husbands or wives could go back to work, that their children would have parents who were legally employed, that they could live in their own home, and pay their taxes.

So I say to my friend from Massachusetts, who, I repeat, has been a leader on these issues for more than 30 years, that we not only have to do something about NACARA, which would give parity to Central Americans and Haitians, but also the legislation which I have introduced which would change the date of registry from 1972 to 1986. We have people here who have kids who have graduated from high school—American citizens. They are deporting the fathers and mothers of these children.

I would also say to my friend from Massachusetts that the date of registry has been in effect in this country for decades. Since 1929, we have changed the date of registry several times. I repeat, this isn't something we are doing that is unique or outlandish or bizarre. It is something that has been done for decades upon decades in this country.

Mr. KENNEDY. The part of this proposal that the Senator was trying to have before the Senate is really to equalize the treatment of those in Central America and Haiti with those from Nicaragua and Cuba because of the assurances that were given.

The Senator has talked about the registry which has been periodically updated since the 1920s, to reflect the importance of allowing long-time,

deeply rooted immigrants who are contributing to the country to obtain permanent resident status and eventually become citizens.

Consider the case of Adriana, who came to the United States with her parents in 1981. In 1986, her family became eligible for legalization, since they had arrived here before 1982. They completed their applications and attempted to submit them to the INS. However, the INS erroneously declared them ineligible because they had briefly left the country in 1985. That year, Adriana and her parents had returned to their native land to visit her dying grandmother. They returned to the United States on tourist visas. In 1989, Adriana learned that the INS had been wrong in denying their right to apply for legalization. They successfully challenged the INS action, but because of changes in 1996, the family is still in legal limbo. Adriana's dream of becoming a special education teacher is on hold, and every day she lives in fear of deportation.

Here is a person who, under the law, under the holdings, should be permitted to remain in the United States permanently but is being denied that because of some legal impediments. I understand that the Senator's proposal effectively says to those who have been adjudicated in courts of law, which is the basis of this legislation, that those courts of law holdings should be upheld legislatively here in the Senate. Isn't that effectively what the second provision of the Senator's proposal would do?

Mr. REID. That is absolutely true. The Senator graphically painted a picture for us of Adriana. The sad part about that story is, it doesn't end with Adriana.

I went to a little place in rural Nevada a number of years ago called Smith Valley, a farming community in northwestern Nevada. After I gave my speech to the high school students, this very attractive, very bright-eyed young lady said: Senator, could I speak to you alone? I said: Sure. And this young lady proceeded to tell me what her family had gone through and how she, one of the top two or three kids in her graduating class, now could not go to college because she couldn't get loans because her parents' status needed to be readjusted. The story of Adriana is one of hundreds of thousands, if not millions, of stories of unfairness faced by people in this country.

We in America pride ourselves on being fair. This is unfair. What we are doing to these people is un-American. These are people who are already American in many ways: They have spouses. They are families: a husband, a wife, a father, a mother who are American; many of the children are American citizens. In the process, somebody has been left out. We want to bring them in. We pride ourselves on doing everything we can to be family friendly. It would truly be family friendly to unite some of these immigrant families.

Mr. KENNEDY. There are three major provisions in the legislation. The other important part of the bill is what is called 245(i), which was a section of the immigration bill that should not have been allowed to expire in 1997. It had been in effect for years. Then it was allowed to expire. All we are trying to do is give it some life again because it had been so successful prior to that time. This provision would permit immigrants eligible to become permanent residents to apply for green cards here in the United States for a $1,000 fee, instead of being forced to return to their native land to apply. The fee was a significant source of funds for INS enforcement and for the processing of applications. Section 245(i) is pro-family and pro-business. It allows immigrants with close family members in this country to remain here and apply for permanent residence. It enables businesses to keep valuable employees, and it provides INS with millions of dollars in additional revenues each year, at no cost to taxpayers.

Restoring the ability to apply for green cards in this country also alleviates other unnecessarily harsh provisions in the law which bar these immigrants from returning to the United States for up to 10 years.

Consider the case of Norma, who entered the United States from Mexico, settled in North Carolina, and married a U.S. citizen. They have been married for 2 years, have a child, and are expecting another this fall. They recently purchased a new home for their growing family. Norma and her husband are troubled over what to do about her immigration status. She can stay here and risk being deported. Or she can return to Mexico to apply for an immigrant visa, but she would be barred from re-entering the United States for 10 years. That is the current law, 10 years. The restoration of section 245(I) will allow this new family to stay together. Until then, she remains here in legal limbo, unable to become a permanent resident.

Section 245(I) had been in effect for 8 years without any kind of abuses. I remember the hearings we had on the 1996 act. I was amazed when this was added. I fought it, voted against it, but it was put into law. The restoration of section 245(I) will allow this new family to stay together. Until then, she remains here in legal limbo, unable to become a permanent resident, and risks being deported.

We describe it as 245(I), but this is a real family. These are real cases, real cases of family unity. It is something that is closely related to how parents are going to be able to deal with their children.

In talking about the registry, these are individuals who should be entitled to remain here under court order because they comply legally, but because there was a mix-up in the INS, they have been denied that opportunity. We are trying to bring justice to them, justice and fairness to Central Americans, and treat them equally. These don't seem to me to be very complex issues. These issues do not demand a great deal of time in order to be able to understand them or to debate them. These issues, it seems to me, should be very comprehensible to Members of the Senate.

I understand the Senator from Nevada is attempting to say: as we come to the end of this session we have been unable to get these matters to the floor because of a range of different activities. Now, in the final days, as a matter of simple fairness, as a matter of family policy, as a matter of common sense, as a matter of continuing our commitment to these individuals, and as a matter of basic and fundamental justice, we ought to take this action. Is that the position of the Senator from Nevada?

Mr. REID. Mr. President, I don't know the case of Norma. The Senator has again painted a very vivid picture. I personally have been acquainted with case after case out of my Las Vegas and Reno offices, the same kind of cases. We can change the name, but they are tragic stories. Remember, we are not saying grant citizenship to somebody who is not entitled to it. We are saying, don't send them back to the country they go to for a silly clerical revisit. We think the law should be that if they are eligible for citizenship, let them apply, and remain in the United States with their families and loved ones.

If we look at our own personal backgrounds, these issues become pretty personal. My father-in-law was born in Russia, my grandmother in England. People need to be treated fairly. Thank goodness my father-in-law and his family were able to work through the bureaucratic programs we have here in the United States and, as a result of that, my wife is an American citizen.

We are dealing with people's lives, people such as my father-in-law. All they wanted to do was come to America. They were oppressed in Russia.

Mr. KENNEDY. That is a very moving story.

I see others who want to address the Senate. Let me ask the Senator a final question. Does the Senator hope the Republican leadership will come and either explain their objection to considering and taking action on these issues, or at least that the Republican leadership will give the Senator the assurance that we will bring this up after the completion of the debate on the China trade issue by, say, mid-September? The Senator would certainly welcome that, would he not? And if we are not able to get those kinds of assurances, the silence by the Republican leadership in addressing this issue, I think, would be very significant indeed.

We all know what is happening around here. I think if the leadership gave assurances to the Senator from

Nevada and most importantly, to the many families in this country affected by our unfair immigration laws, that we will consider this legislation—would the Senator not agree with me—that that would be an enormous step forward and magnificent progress? But if we are not able to get those assurances, how does the Senator interpret the silence of the leadership on this issue?

Mr. REID. Mr. President, I would go one step beyond what my friend from Massachusetts has said. I call upon Governor George W. Bush, who goes around the country and even speaks in Spanish once in a while, talking about how compassionate he is, and how important the priorities of the Latino community are to him. I want him to speak out and say to my colleagues, the Republican leadership in the Congress, let's vote on these issues because they are about fairness. Let's take up and pass these reasonable provisions. If he is really compassionate, there is no area that deserves more compassion than what we are trying to do in this legislation. Not only do I call upon the Republican leadership to allow us to vote on these matters, I call upon the Republican nominee for President of the United States to speak out publicly. Is he for or against what we are trying to do?

Mr. KENNEDY. Is the Senator suggesting he'll call upon Governor Bush and the Republican leadership in the House and Senate and say that this is something that needs to be supported, that this is something that is a priority with 4 weeks left in this session and that he hopes very much that the leadership will bring this up for final action?

Mr. REID. The Vice President of the United States has put it in writing that he supports this. Vice President GORE put it in writing that he supports the provisions of the Latino and Immigrant Fairness Act.

I hope we can move forward with this legislation. There has been much talk about H–1B visa, and I believe that this legislation is very important. We live in a high-tech society. We want to move forward to try to meet our obligations. But let's not think we are going to lay over on these issues, which are issues of basic fairness, because of threats on the other side that we are not going to be able to do H–1B. Basic fairness dictates that we do both of them. And, we can if the Republicans would just allow us to move forward.

Mr. KENNEDY. I agree. I think we can and we should do both of them. We can do them very quickly. We have had the hearings in the Judiciary Committee. The Judiciary Committee members understand these issues. They can help provide information to our colleagues if they are in doubt. But the compelling need for action in these areas is just extraordinary.

I hope my friend and colleague from Nevada is not going to just end with this challenge. I hope he will continue to work, and I certainly will join him, as many colleagues will, and try to get action. We are unable to get the action today, but we have time remaining. I want to say I look forward to working with him to make sure we get action one way or another, hopefully with the support of the Republican leadership. But if we are not able to have that support, I hope at least they will get out of the way so we can give justice to these very fine individuals.

I thank the Senator.

Mr. REID. I close by publicly expressing my appreciation to the Senator from Massachusetts for his clear and consistent understanding of what fairness is. Also, I assure him that we have just begun to fight.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

HOW WE CAN MOVE BEYOND THE FALSE DEBATE AND ON TO REAL SALMON RECOVERY

Mrs. MURRAY. Mr. President, for several years the people of the Pacific Northwest have been working to save several wild salmon and steelhead runs that are currently threatened with extinction.

Today, the administration presented a number of proposals for how we can recover these species.

Specifically, the administration released its draft biological opinion for technical review by the four affected States and the region's tribes.

The administration also released an updated All-H paper—also known as the Basin-wide Recovery Strategy.

This paper details proposals in the areas of hatchery reform, harvest levels, hydroelectric power generation, and habitat recovery.

I take this opportunity to talk about how we can work together to restore the threatened and endangers species of the Columbia Basin.

From the ancient history of Native Americans to the explorations of Lewis and Clark nearly 200 years ago, the natural bounty of the Pacific Northwest has always been a source of pride.

We have been blessed with great rivers—including the Columbia, the Yakima and the Snake. Over the years, we have drawn from these rivers.

Dams have provided us with vital hydroelectric power—forever improving the quality of life in our region and providing an engine for our robust economic development.

These rivers have helped generations of farmers from Longview to Walla Walla by providing water for irrigation. And, they have provided a watery highway, allowing us to bring our products to market.

Clearly, Washington state has benefitted from our rivers and natural resources.

I am proud that today we are home to the best airplane manufacturer in the world. We are home to the best software company in the world. We grow the best apples. Mr. President, our future is bright.

But Mr. President, this progress has come at a price. Our wild salmon stocks are struggling. In fact, the National Marine Fisheries Service has listed 12 wild salmon and steelhead stocks in the Columbia basin as threatened or endangered.

In addition, several butt-trout and sturgeon populations are also threatened.

Let me be clear. Those listings mean that right now—we are on the path of extinction.

So the question before us is: Do we have the will to come together and choose a different path—the path of recovery?

I believe that we do. I believe that the ingenuity and optimism of the people of Washington State will allow us to meet this challenge.

And I am proud of the tough decisions that people all across my State—from farmers and Native Americans to sport fishermen and the fishing industry—have made so far.

But it will be difficult. Unfortunately, the current debate about saving salmon makes finding a real solution even more difficult.

The debate today is too short-sighted, it is too narrow, and it's too partisan.

When I say the debate has been short-sighted, I mean that this isn't an issue that's going to be resolved in one month or one year or even one generation.

We are dealing with an issue that has a long history.

In the Pacific Northwest, salmon are part of our heritage, our culture and our economy.

We know from the oral history of Native Americans the significance that salmon played in the lives of Northwesterners as long as 12,000 years ago.

The question before us today is: Will salmon still spawn in these rivers in the next 1,000 years, the next 100 years, or even 10 years from now?

Salmon are a link to our past, and if they are going to be part of our future, we will have to find solutions that look beyond the next season or the next election.

I am committed to make sure we take the long view when it comes to saving salmon.

In addition, the debate has been too narrow. If someone from another part of the country heard the debate, they would think that only one thing affects salmon—dams.

We know that dams are just one of four factors that affect salmon. It may help to think of the challenge before us as a table—a table with four legs.

Each one of those legs must hold its share of the weight. If one leg is too short, the table will be out of balance.

We know that salmon are impacted by four variables. They are hydropower, hatcheries, harvest, and habitat.

Let me start with hydropower—or dams.

Mr. President, I have long said that we need to develop and implement a comprehensive recovery strategy before we consider the removal of dams.

I am pleased that the administration has taken this first step forward and provided the foundation for such a plan.

I am also pleased that in doing so the administration is clearly moving us beyond the false debate of dams or no dams.

The issue has never been that simple. To be sure, the Ice Harbor, Lower Monumental, Little Goose, and Lower Granite dams have—like other dams throughout the region—hampered the ability of salmon to migrate from their original river homes, to the ocean, and back again to spawn.

The reality is that we have 12 listed species throughout the Columbia basin. Four of these stocks are in the Snake River. The other eight are on the Columbia and Willamette Rivers.

Removal of the Snake River dams is of minimal value to the recovery of the eight listed Columbia and Willamette runs.

Furthermore, while removal of the dams would benefit the Snake runs, NMFS has found removal may not be necessary for recovery and that removal alone would probably not be sufficient.

We still have to deal with the issues related to recovering these particular stocks and the hydro system needs to be examined and upgraded to ease fish passage to and from the ocean.

We need to address the challenges posed dams pose for fish survival.

We must employ a comprehensive, basin-wide approach that, regardless of the ultimate decision regarding the dams, addresses all of the complex issues surrounding salmon recovery.

Mr. President, I fear that some who have focused solely on dam removal have failed to consider what will be necessary under a comprehensive recovery approach.

We need to, as the administration's draft plan suggests, establish performance standards for recovery, and we need to achieve those goals.

Bypassing the dams will remain a subject to this debate if we fail to aggressively tackle the issues related to survival of fish through the hydro system. It is a reality we must deal with.

Next I'd like to turn to the second factor that affects salmon recovery—hatcheries.

We must minimize the impacts of hatchery practices that present challenges to the wild stocks, namely: the introduction of disease; competition for food; and dilution of the gene pool.

Further, as the administration suggests, there is a possibility that we could use hatcheries as a way to bolster weak stocks on a short-term basis by using a little common sense.

By choosing to utilize wild, native fish stocks, hatcheries can be transformed from a hindrance to recovery to a help.

Mr. President, reform of the hatchery program will be expensive. However, there is a fair amount of agreement on what reform is necessary.

The Northwest Power Planning Council's report, Artificial Production Review, has given us a basis for action. It is now an issue of finding the funds and prioritizing where these funds should be spent.

The next factor is harvest. This relates to several controversial issues that are subject to both international and tribal treaties.

The Pacific Salmon Treaty with Canada and the treaties with Northwest tribes clearly obligate us to recover salmon to harvestable levels. Under those treaties we, as Americans, have obligations we must meet. Already, many have sacrificed because of the declines in salmon runs.

The tribal fishermen who have depended on the salmon since time immemorial to feed their families and celebrate their culture has sacrificed.

The sports fisherman has sacrificed with the virtual elimination of chinook season.

The commercial fishing family in Ilwaco has sacrificed.

In a couple of years, after completing the buy-back commitments under the Pacific Salmon Treaty, there could be as few as 600 active non-tribal commercial licenses, compared to the roughly 10,000 licenses in the 1970s.

As we look forward at the sacrifices we will need to make in the future to help recover the wild stocks, we should never forget those who have already seen their livelihood, tradition, family, and community impacted by the dwindling numbers of returning fish.

We need to promote selective fishing that allows the catching of non-listed species while providing for the release of listed ones.

We also need to continue to support efforts to reduce the number of federal and state issued fishing licenses by buying back those licenses.

The recently signed Pacific Salmon Treaty, which Vice President GORE played such an important role in finalizing, calls for exactly these types of measures.

We need to redouble our efforts to prevent overfishing and manage this resource in a responsible way.

Finally, as controversial and difficult as the issues related to the hydro system will be, habitat promises to be every bit as thorny and complex an issue to tackle.

Mr. President, in this equation, by and large, habitat equals water and impacts to water quality.

As anyone familiar with agriculture can tell you, especially in the West, water is gold. It is the stuff of life.

It makes or breaks communities, both their ability to maintain what they have and to sustain and manage their growth.

Water in the West is both the great opportunity provider and limiter. Our water law dates back to the earliest days of settlement, and it has struggled to meet the demands of the modern era.

We need to take steps now to prevent the continued destruction of critical habitat and work to restore habitat that has been degraded over time.

Mr. President, the key for fish, as it is for people, is access to cool, clean water. Fish require a sufficient quantity of unpolluted water; that means encouraging land use practices near critical river habitat that are consistent with the needs of the fish.

Mr. President, these are the four areas we must address. All four are important and must be part of the debate.

Addressing issues related to the hydro system, reforming hatchery practices, managing harvest, and husbanding important habitat will not be easy. But we don't have a choice. Allowing salmon to become extinct is not an option.

Mr. President, at the start of my remarks, I said that the debate so far has been too short sighted and too narrow, and I have explained how we can take a longer view and how we can look at the broad range of factors that affect salmon.

Before I close I would like to explain why I think that the debate over salmon recovery has been too political to the detriment of saving salmon and doing what needs to be done to keep the families in our region whole.

When partisan politics are injected into such a complex issue, it has the effect of dividing people—rather than bringing them together.

Unfortunately, we have heard too many people who only say what they don't want to happen, who only seek to place blame, who heighten the rhetoric, who lead by creating fear rather than hope, and who never commit to a plan.

That is not going to help us save salmon or the people in the impacted communities of the Pacific Northwest.

Saying ''no'' to everything, without offering a constructive plan, is not leadership. And it will take leadership to recover our salmon stocks and keep our commitments to the people of the Northwest.

Mr. President, I commit to work in a positive fashion with anyone who is genuinely interested in saving salmon.

If you are serious about solutions, I am ready to work together to find them. And I am willing to play my part in our shared responsibility.

I will continue to seek Federal funding to support new and continuing projects. I will strive to maintain my own communication with affected communities, individuals, and interest groups. In addition, I will promote better communication between federal agencies and other parties when this communication breaks down.

In short, I commit to being a positive partner with all those who understand the need for tough decisions and want to move forward to real recovery.

It is time to rise above the current debate, which traps people into false choices while letting the possibility of other solutions slip away from us.

Mr. President, this is not an issue that is going to be solved by November 7, 2000. This is an issue that will be with us for years—perhaps generations—to come.

What we need now are public servants and private citizens with both the will and the vision to sit down, roll up their sleeves, and figure out how to move forward.

Right now we are on the path to salmon extinction. Anyone who delays progress keeps us on that path. Anyone who divides rather than unites, brings extinction closer.

Mr. President, as we proceed on this issue, I wish to state my willingness to work with the next President, with the tribal governments, with my colleagues in the Congress, with the State and local governments, and with private citizens to address the important issues related to recovering wild salmon.

And we can make progress while maintaining our region's economic viability.

The opportunity the administration has given us today is to move forward in a constructive way.

They have presented a plan that moves beyond the debate about bypassing dams and onto the issues we really need to focus on.

While I may disagree with some of the specifics of this plan, it does provide a comprehensive roadmap for how we can resolve these difficult issues.

I believe if we take the comprehensive approach, we will save salmon and steelhead runs; we will be able to produce essential power; we will be able to meet the needs of our farmers, and we will keep water healthy for our children's children.

Mr. President, as I conclude I want to make one final point. This really isn't just about fish or dams. It is about the type of world we want to live in. We have a choice about the legacy we leave for our grandchildren.

The choice I have called for today is the choice to leave future generations clean rivers—full of salmon.

The choice I've called for today is the choice to show our grandchildren that no matter how big our difference may appear we can work together and be good stewards of our land.

That is the choice I hope we will make.

The other path leaves a far different legacy. A legacy that leaves our grandchildren polluted waters—resources divided from nature. and even worse—people divided from each other.

Mr. President, that is not the legacy I want to leave. We cannot shrink from this challenge.

Let's use today's reports as a tool to help us move forward toward real salmon recovery.

The PRESIDING OFFICER. The Senator from Illinois.

LATINO AND IMMIGRANT FAIRNESS ACT

Mr. DURBIN. Mr. President, I rise today in support of a bill that will correct severe injustices affecting thousands of immigrants to the United States, while at the same time strengthening their ability to contribute to the U.S. economy and to the struggling economies of their countries of birth.

A short time ago on the floor of the Senate a unanimous consent request was made by Senators KENNEDY and HARRY REID of Nevada asking that this legislation, the Latino and Immigrant Fairness Act, be brought to the floor for immediate consideration. It is very difficult to argue that we are so consumed with work in the Chamber of the Senate that we can't consider this legislation. In fact, we have done precious little over the last several days because of an honest disagreement between the leadership on the Democrat and Republican side.

I do believe this legislation should be brought on a timely basis for the consideration of the Senate. The bill in question is the Latino and Immigrant Fairness Act. It has the support of an impressively broad coalition of groups and individuals, labor unions, business groups, human rights groups, religious organizations, conservative and progressive think tanks. Empower America supports this bill as pro-family and pro-market. The AFL–CIO supports it because it is pro-labor.

The administration is committed to its passage. Perhaps the most compelling reason for passing this bill is that it embraces the principles of fairness and justice that are of value to the American spirit and to the work we do in the Senate.

I recall, when we discuss the issue of immigration, one of my favorite stories involving President Franklin Roosevelt. President Roosevelt, of course, came from a somewhat aristocratic family in New York and was elected President in 1932. As the first Democratic President in many years, he was invited to speak to the Daughters of the American Revolution in Washington, DC. Of course, the DAR is an organization which prides itself on its Yankee heritage and the fact many have descended from those who came over on the *Mayflower*. They have a history of being somewhat skeptical of immigration policy in this country. When Franklin Roosevelt spoke to the DAR, his opening words set the tone. He introduced himself by saying: Fellow immigrants, a reminder to the DAR, a reminder to all of us, with the exception of Native Americans, who have been here for many centuries, we are all virtually immigrants to this country.

I am a first generation American. My mother immigrated to this country at the age of 2 from the country of Lithuania in 1911. My father's family dates back to before the Revolutionary War, so I really represent both ends of the spectrum of white immigration to America. This bill tries to address the basic principles of immigration fairness and justice which we have tried to hold to during the course of this Nation's history. I bring particular attention to the Senate to the plight of immigrants from Central America and Haiti who have been dealt a severe injustice during the past 20 years, one that would be directly addressed by this legislation.

In the recent past, thousands of people from Central America and Haiti have been forced to flee their homes in order to save their lives and the lives of their families. In Guatemala, hundreds of so-called ''extra-judicial'' killings occurred every year between 1990 and 1995; entire villages ''disappeared'', most probably massacred. In El Salvador, political violence was rampant—63,000 people were killed in the 1980's by a combination of leftist guerrillas, right-wing death squads, and government military actions. Ironically, an end to twelve years of civil war did not mean an end to violent internal strife; the death toll in 1994 was higher than it was during the war. In Honduras, the Department of State's Human Rights Reports cite ''serious problems'', including extrajudicial killings, beatings, and a civilian and military elite that have long operated with impunity. In September 1991, Haiti's democratically-elected government was overthrown in a violent military coup de'etat that, over a three year period, was responsible for thousands of extra-judicial killings.

Current law creates a highly unworkable patchwork approach to the status of these immigrants, one that assaults our sense of fair play. Immigrants from Nicaragua and Cuba who have lived here since 1995 can obtain green card status in the U.S. through a sensible, straightforward process. Guatemalans and Salvadorans are covered by a different, more stringent and cumbersome set of procedures. A select group of Haitian immigrants are classified under another restrictive status. Hondurans by yet another. As if this helter-skelter approach isn't bad enough, existing policies also treat family members of immigrants—spouses and children—differently depending on where they live, and under which provision of which law they are covered.

The United States is known around the world as the land of equal opportunity, but the opportunities we are affording to Central American and Haitian immigrants who have lived in this country for years are anything but equal. The current situation is untenable. Why should a family that has set down firm roots in the United States after fleeing death squads in Nicaragua be treated differently under the law

than another family from, say, El Salvador, who left that country for precisely the same reason. The point was made brutally clear when Amnesty International documented the case of Santana Chirino Amaya, deported back to El Salvador and subsequently found decapitated. This, and many similar stories, led to charges that the U.S. was engaged in a ''systematic practice'' of denying asylum to some nationals, regardless of the merits of their claims. A class-action lawsuit brought by the American Baptist Churches and other faith-based organizations on behalf of Salvadoran and Guatemalan immigrants made a similar case, and was eventually settled in favor of those seeking a fairer hearing.

Or consider the plight of Maria Orellana, a war refugee from El Salvador, who fled the country when soldiers killed two members of her family. She has lived the past ten years in the United States. Recently, the INS ordered her deported even though she is eight months pregnant and even though her husband—himself an immigrant—has legal status here and expects to soon be sworn in as a U.S. citizen. When a newspaper reporter asked the INS to comment on Maria's case, the reply was: ''I don't know why Congress wrote it differently for people of different countries. We're not in a position to change a law given to us by Congress . . . we just enforce the law as written.''

Well, the law, in this case, was written badly, and needs to be fixed. The Latino and Immigrant Fairness Act would resolve these many inequities by providing a level playing field on which all immigrants from this region with similar histories would be treated equally under the law. And it would address two other issues of great importance to the immigrant community as well.

The provision to restore Section 245(i) would restore a long-standing and sensible policy that was unfortunately allowed to lapse in 1997. Section 245(i) of the Immigration Act had allowed individuals that qualified for a green card to obtain their visa in the U.S. if they were already in the country. Without this common-sense provision, immigrants on the verge of gaining their green card must return to their home country to obtain their visa. However, the very act of making such an onerous trip can put their green-card standing in jeopardy, since other provisions of immigration law prohibit re-entry to the U.S. under certain circumstances. This has led to ludicrous situations, like the forced separation of married couples because one spouse must leave the country to obtain a visa, uncertain as to when they can be reunited. Restoring the Section 245(i) mechanism to obtain visas here in the U.S. is a good policy that will help keep families together and keep willing workers in the U.S. labor force.

Let me add, in my office in Chicago, IL, two-thirds of the casework we do relates to immigration. We understand the plight of these families on a personal basis. We meet them in our office, we meet their friends and relatives, we meet members of their churches who ask why the laws on immigration in America have to be so unfair and contradictory. That is why this bill is so important.

The Date of Registry provision is equally important. Undocumented immigrants seeking permanent residency must demonstrate that they have lived continuously in the U.S. since the date of registry cut-off. This amendment updates the date of registry from 1972—almost 30 years of continuous residency—1986. The Latino and Immigrant Fairness Act recognizes that many immigrants have been victimized by confusing and inconsistent INS policies in the past fifteen years—policies that have been overturned in numerous court decisions, but that have nonetheless prevented many immigrants from being granted permanent residency. Updating the date of registry to 1986 would bring long overdue justice to the affected populations.

It is worth reviewing the recent history of immigration policy to understand how we arrived at such a highly convoluted and piecemeal approach. Prior to the passage of the illegal Immigration Reform and Responsibility Act in 1996, aliens in the United States could apply for suspension of deportation and adjustment of status in order to obtain lawful permanent residence. Suspension of deportation was used to ameliorate the harsh consequences of deportation for aliens who had been present in the United States for long periods of time.

In September of 1996, Congress passed the Illegal Immigration Reform and Responsibility Act. This law retroactively made thousands of immigrants ineligible for suspension of deportation and left them with no alternate remedy. The 1996 Act eliminated suspension of deportation and established a new form of relief entitled cancellation of removal that required an applicant to accrue ten years of continuous residence as of date of the initial notice charging the applicant with being removable.

In 1997, Congress recognized that these new provisions had resulted in grave injustices to certain groups of people. So in November of 1997, the Nicaraguan Adjustment and Central American Relief Act INACARA) granted relief to certain citizens of former Soviet block countries and several Central American countries. This select group of immigrants were allowed to apply for permanent residence under the old, pre-IIRRA standards.

Such an alteration of IIRRA made sense. After all, the U.S. had allowed Central Americans to reside and work here for over a decade, during which time many of them established families, careers and community ties. The complex history of civil wars and political persecution in parts of Central America left thousands of people in limbo without a place to call home. Many victims of severe persecution came to the United States with very strong asylum cases, but unfortunately these individuals have waited so long for a hearing they will have difficulty proving their cases because they involve incidents which occurred as early as 1980. In addition, many victims of persecution never filed for asylum out of fear of denial, and consequently these people now face claims weakened by years of delay.

Correcting the inequities in current immigration policies is not only a matter of fundamental fairness, it is good, pragmatic public policy. The funds sent back by immigrants to their home countries sources of foreign exchange, and significant stabilizing factors in several national economies. The immigrant workforce is important to our national economy as well. Federal Reserve Chairman Alan Greenspan has frequently cited the threat to our economic well-being posed by an increasingly tight labor pool, and has gone so far as to suggest that immigration be uncapped. While these provisions will not remove or adjust any such caps, it will allow those already here to move freely in the labor market.

I come to the floor disappointed because the effort for unanimous consent to bring up the Latino and Immigrant Fairness Act was denied. This is an act which advances justice, keeps families together, and strengthens the national and international economy. It deserves unqualified support and rapid passage.

Not that many years ago, immigrants to this country faced an onslaught of criticism. There were propositions in the State of California, speeches made by politicians, charges made by groups that really caused a great deal of fear and concern among those who had immigrated to this country. It is a stark reminder that, as a nation of immigrants, we should continue to have a fair and consistent policy of immigration.

This country opened its doors to my mother, her family, to give her a chance to leave her land and come to live here. I often think about the courage involved when their family came together, her mother and three small children, to get on a boat in Germany to come to a country where they did not speak a word of the language.

But they heard they had a better opportunity here in America, as many millions before them and many millions since have heard the same thing. Should we not in this generation show we are compassionate conservatives, compassionate moderates, and compassionate liberals when it comes to immigration fairness? The way to show that, the way to prove it, is to bring to the floor this legislation as quickly as possible.

I hope on a bipartisan basis we can have Republicans and Democrats join in the enactment of this legislation.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

INTERCOUNTRY ADOPTION ACT OF 2000

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 692, H.R. 2909.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (H.R. 2909) to provide for implementation by the United States of the Hague Convention on Protection of Children and Cooperation in Respect to Intercountry Adoption, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4023

Mr. CAMPBELL. Mr. President, Senator HELMS has a substitute amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. HELMS, for himself, Ms. LANDRIEU, Mr. ASHCROFT, Mr. CRAIG, Mr. JOHNSON, Mr. SMITH of Oregon, and Mrs. LINCOLN, proposes an amendment numbered 4023.

Mr. CAMPBELL. 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. HELMS. Mr. President, countless Americans will be pleased to know that the Senate has unanimously approved the Intercountry Adoption Implementation Act to implement the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption. This is a treaty that was approved by the Foreign Relations Committee about 3 months ago—in April of this year.

Senator LANDRIEU and I had offered the Intercountry Adoption Implementation Act a year ago, because when this legislation becomes law it will provide, for the first time, a rational structure for intercountry adoption.

This significant legislation is intended to build some accountability into agencies that provide intercountry adoption services in the United States while strengthening the hand of the Secretary of State in ensuring that U.S. adoption agencies engage in an ethical manner to find homes for children.

Although, the majority of intercountry adoptions are successful, it is also a process that can leave parents and children vulnerable to fraud and abuse.

For this reason, under the Intercountry Adoption Implementation Act, agencies will be accredited to provide intercountry adoption. Mandatory standards for accreditation will include ensuring that a child's medical records be available in English to the prospective parents prior their traveling to the foreign country to finalize an adoption. (The act also requires that agencies be transparent, especially in their rate of disrupted adoption and their fee scales.)

Moreover, under this act, the definition of orphan has been broadened so that more children can be adopted by U.S. parents. However, in no way is the power of the U.S. Attorney General (who currently has the authority to ensure that all adoptions coming into the United States are authentic) diminished.

Lastly, the Intercountry Adoption Implementation Act will provide much-needed protection for U.S. children being adopted abroad by foreigners. Under this act, it will be required that: (1) diligent efforts be made to first place a U.S. child in the United States before looking to place a U.S. child abroad; and (2) criminal background checks be conducted on foreigners wishing to adopt U.S. children.

Senator LANDRIEU and I have worked together on issues of adoption since her arrival in the Senate in 1997. I am genuinely grateful for her leadership on this issue.

In addition, I thank Senator BIDEN, the ranking minority member of the Foreign Relations Committee, for his hard work (and that of his staff) in finalizing the Intercountry Adoption Implementation Act.

I likewise extend my gratitude to Senators GORDON SMITH and JOHN ASHCROFT—both members of the Foreign Relations Committee—and Senators JOHNSON, CRAIG, and LINCOLN for their cosponsorship of this legislation.

Senator BROWNBACK has been as helpful, Mr. President, in making certain that small intercountry adoption agencies will be protected under the implementation of this act.

I also thank all Members in the House of Representatives who have worked to enable the passage of this Act; in particular, BEN GILMAN, distinguished chairman of the House International Relations Committee; Congressman SAM GEJDENSON, the ranking minority member on the House International Relations Committee; Congressmen DAVE CAMP and WILLIAM DELAHUNT; and, last but by no means least, Congressman RICHARD BURR—who introduced the original Senate companion bill in the House.

From our own family, the former legislative counsel of the Foreign Relations Committee, now counsel for Senate Intelligence, Patricia McNerney; and my righthand lady, Michele DeKonty.

Mr. President, The Intercountry Adoption Implementation Act now awaits approval by the House of Representatives. Needless to say, we hope the House will move swiftly toward final passage.

Mr. BROWNBACK. Mr. President, as the father of five children—two of whom came into our family through international adoption—I take special interest in the Hague Convention on Intercountry Adoption. The treaty signers hope to improve the international adoption system and provide more homes for the children who need them.

Like many active adoption professionals and leaders of the American adoption community, I support the mission of the treaty to protect the rights of, and prevent abuses against, children, birth families, and adoptive parents, involved in adoptions. The treaty will not only reassure countries who send their children outside their borders, it will also improve the ability of the United States to assist its citizens who seek to adopt children from abroad.

While the treaty will provide significant benefits, I had serious concerns that the proposed method of implementation would have caused more harm than good. After study, it became clear to me that there are few nonprofit private entities in existence that have the funding, staff, and experience necessary to develop and administer standards for entities (agencies) providing child welfare services. Small community based agencies especially would have found it costly and burdensome to deal with only one or possibly two large and most likely distant accrediting entities. For the season, I have repeatedly expressed concerns that many states, especially rural and sparsely populated areas, risk being left with no adoption agencies authorized to help their residents with foreign adoptions.

As I have stated before, I believe it is important for each state to regulate adoption agencies as it deems appropriate to meet the widely varying needs of its families with the resources available in that state. Working closely with the sponsors of this bill, I proposed an amendment that allows public entities (other than a Federal entity), including an agency or instrumentality of State government having responsibility for licensing adoption agencies, to serve as an accrediting entity. (In other words, a state government may serve as an accrediting entity).

In this way, States may continue to participate in intercountry adoption—making sure that interested parties meet the Hague requirements. Giving states the option to continue to participate in intercountry adoption would ensure that small and medium sized agencies have at least one accrediting entity choice that is local, familiar, and easily accessible.

In addition, in order to further lessen the initial burden of federal accreditation on small and medium sized agencies, I worked with the sponsors of this bill to minimally increase the temporary registration period for small and medium sized agencies. Thus, they would have more time to prepare for federal accreditation—a process that may prove to be costly and burdensome

but is considered necessary by many in the adoption community.

My initial concerns regarding certain provisions of the implementing legislation stemmed from a number of areas including my own experience of having recently adopted two children from other countries, and contact with numerous other families who would either love to adopt a child, but can't afford it, or who have adopted a child under the present system and had great success.

Like many Americans, I am firmly committed to finding permanent, safe, and loving homes for children who have been orphaned or are in foster care. I am hopeful this legislation will help secure that dream without adding a significant overlay of federal bureaucracy and red tape.

At this time, I would like to recognize and thank one of my staff members, Amanda Adkins, for help on this legislation. Amanda was truly diligent in her efforts to make this a better bill and to work for the needs of rural Kansans. I thank her for her dedication.

Many families spend their entire life savings to realize their dream of having a child. I look forward to continuing to work with the sponsors of this bill as we monitor the implementation of this important treaty.

Mr. CAMPBELL. I ask unanimous consent the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The amendment (No. 4023) was agreed to.

The bill (H.R. 2909), as amended, was read the third time and passed.

COAST GUARD AUTHORIZATION ACT OF 2000

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 567, S. 1089.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1089) to authorize appropriations for fiscal year 2000 and 2001 for the United States Coast Guard, and for other purposes.

The PRESIDING OFFICER. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation with an amendment to strike all after the enacting clause and insert the printed in italic:

S. 1089

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 ''Coast Guard Authorization Act of 2000''.

TITLE I—AUTHORIZATION

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION FOR FISCAL YEAR 2000.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2000, as follows:

(1) For the operation and maintenance of the Coast Guard, $2,781,000,000, of which $300,000,000 shall be available for defense-related activities and of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $389,326,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $19,000,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $17,000,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(b) AUTHORIZATION FOR FISCAL YEAR 2001.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2001, as follows:

(1) For the operation and maintenance of the Coast Guard, $3,199,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund.

(2) For the acquisition, construction, rebuilding, and improvement of aids to navigation, shore and offshore facilities, vessels, and aircraft, including equipment related thereto, $520,000,000, to remain available until expended, of which $20,000,000 shall be derived from the Oil Spill Liability Trust Fund to carry out the purposes of section 1012(a)(5) of the Oil Pollution Act of 1990, and of which $110,000,000 shall be available for the construction and acquisition of a replacement vessel for the Coast Guard Cutter MACKINAW.

(3) For research, development, test, and evaluation of technologies, materials, and human factors directly relating to improving the performance of the Coast Guard's mission in support of search and rescue, aids to navigation, marine safety, marine environmental protection, enforcement of laws and treaties, ice operations, oceanographic research, and defense readiness, $21,320,000, to remain available until expended, of which $3,500,000 shall be derived from the Oil Spill Liability Trust Fund.

(4) For retired pay (including the payment of obligations otherwise chargeable to lapsed appropriations for this purpose), payments under the Retired Serviceman's Family Protection and Survivor Benefit Plans, and payments for medical care of retired personnel and their dependents under chapter 55 of title 10, United States Code, such sums as may be necessary, to remain available until expended.

(5) For environmental compliance and restoration at Coast Guard facilities (other than parts and equipment associated with operations and maintenance), $16,700,000, to remain available until expended.

(6) For alteration or removal of bridges over navigable waters of the United States constituting obstructions to navigation, and for personnel and administrative costs associated with the Bridge Alteration Program, $15,000,000, to remain available until expended.

(c) AUTHORIZATION FOR FISCAL YEAR 2002.—Funds are authorized to be appropriated for necessary expenses of the Coast Guard for fiscal year 2002 as such sums as may be necessary, of which $8,000,000 shall be available for construction or acquistion of a replacement vessel for the Coast Guard Cutter MACKINAW.

SEC. 102. AUTHORIZED LEVELS OF MILITARY STRENGTH AND TRAINING.

(a) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2000.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 40,000 as of September 30, 2000.

(b) TRAINING STUDENT LOADS FOR FISCAL YEAR 2000.—For each of fiscal years 2000 and 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 100 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(c) END-OF-YEAR STRENGTH FOR FISCAL YEAR 2001.—The Coast Guard is authorized an end-of-year strength for active duty personnel of 44,000 as of September 30, 2001.

(d) TRAINING STUDENT LOADS FOR FISCAL YEAR 2001.—For fiscal year 2001, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

(e) END-OF-THE-YEAR STRENGTH FOR FISCAL YEAR 2002.—The Coast Guard is authorized an end-of-year strength of active duty personnel of 45,500 as of September 30, 2002.

(f) TRAINING STUDENT LOADS FOR FISCAL YEAR 2002.—For fiscal year 2002, the Coast Guard is authorized average military training student loads as follows:

(1) For recruit and special training, 1,500 student years.

(2) For flight training, 125 student years.

(3) For professional training in military and civilian institutions, 300 student years.

(4) For officer acquisition, 1,000 student years.

SEC. 103. LORAN–C.

(a) FISCAL YEAR 2001.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $20,000,000 for fiscal year 2001. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

(b) FISCAL YEAR 2002.—There are authorized to be appropriated to the Department of Transportation, in addition to funds authorized for the Coast Guard for operation of the LORAN–C system, for capital expenses related to LORAN–C navigation infrastructure, $40,000,000 for fiscal year 2002. The Secretary of Transportation may transfer from the Federal Aviation Administration and other agencies of the department

funds appropriated as authorized under this section in order to reimburse the Coast Guard for related expenses.

SEC. 104. PATROL CRAFT.

(a) TRANSFER OF CRAFT FROM DOD.—Notwithstanding any other provision of law, the Secretary of Transportation may accept, by direct transfer without cost, for use by the Coast Guard primarily for expanded drug interdiction activities required to meet national supply reduction performance goals, up to 7 PC–170 patrol craft from the Department of Defense if it offers to transfer such craft.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be apropriated to the Coast Guard, in addition to amounts otherwise authorized by this Act, up to $100,000,000, to remain available until expended, for the conversion of, operation and maintenance of, personnel to operate and support, and shoreside infrastructure requirements for, up to 7 patrol craft.

TITLE II—PERSONNEL MANAGEMENT

SEC. 201. COAST GUARD BAND DIRECTOR RANK.

Section 336(d) of title 14, United States Code, is amended by striking ''commander'' and inserting ''captain''.

SEC. 202. COAST GUARD MEMBERSHIP ON THE USO BOARD OF GOVERNORS.

Section 220104(a)(2) of title 36, United States Code, is amended—

(1) by striking ''and'' at the end of subparagraph (B);

(2) by redesignating subparagraph (C) as subparagraph (D); and

(3) by inserting after subparagraph (B) the following:

''(C) the Secretary of Transportation, or the Secretary's designee, when the Coast Guard is not operating under the Department of the Navy; and''.

SEC. 203. COMPENSATORY ABSENCE FOR ISOLATED DUTY.

(a) IN GENERAL.—Section 511 of title 14, United States Code, is amended to read as follows:

''§ 511. Compensatory absence from duty for military personnel at isolated duty stations

''The Secretary may prescribe regulations to grant compensatory absence from duty to military personnel of the Coast Guard serving at isolated duty stations of the Coast Guard when conditions of duty result in confinement because of isolation or in long periods of continuous duty.''.

(b) CLERICAL AMENDMENT.—The chapter analysis for chapter 13 of title 14, United States Code, is amended by striking the item relating to section 511 and inserting the following:

''511. Compensatory absence from duty for military personnel at isolated duty stations''.

SEC. 204. ACCELERATED PROMOTION OF CERTAIN COAST GUARD OFFICERS.

Title 14, United States Code, is amended—

(1) in section 259, by adding at the end a new subsection (c) to read as follows:

''(c) After selecting the officers to be recommended for promotion, a selection board may recommend officers of particular merit, from among those officers chosen for promotion, to be placed at the top of the list of selectees promulgated by the Secretary under section 271(a) of this title. The number of officers that a board may recommend to be placed at the top of the list of selectees may not exceed the percentages set forth in subsection (b) unless such a percentage is a number less than one, in which case the board may recommend one officer for such placement. No officer may be recommended to be placed at the top of the list of selectees unless he or she receives the recommendation of at least a majority of the members of a board composed of five members, or at least two-thirds of the members of a board composed of more than five members.'';

(2) in section 260(a), by inserting ''and the names of those officers recommended to be advanced to the top of the list of selectees established by the Secretary under section 271(a) of this title'' after ''promotion''; and

(3) in section 271(a), by inserting at the end thereof the following: ''The names of all officers approved by the President and recommended by the board to be placed at the top of the list of selectees shall be placed at the top of the list of selectees in the order of seniority on the active duty promotion list.''.

SEC. 205. COAST GUARD ACADEMY BOARD OF TRUSTEES.

(a) IN GENERAL.—Section 193 of title 14, United States Code, is amended to read as follows:

''§ 193. Board of Trustees.

''(a) ESTABLISHMENT.—The Commandant of the Coast Guard may establish a Coast Guard Academy Board of Trustees to provide advice to the Commandant and the Superintendent on matters relating to the operation of the Academy and its programs.

''(b) MEMBERSHIP.—The Commandant shall appoint the members of the Board of Trustees, which may include persons of distinction in education and other fields related to the missions and operation of the Academy. The Commandant shall appoint a chairperson from among the members of the Board of Trustees.

''(c) EXPENSES.—Members of the Board of Trustees who are not Federal employees shall be allowed travel expenses while away from their homes or regular places of business in the performance of service for the Board of Trustees. Travel expenses include per diem in lieu of subsistence in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5.

''(d) FACA NOT TO APPLY.— The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board of Trustees established pursuant to this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 194(a) of title 14, United States Code, is amended by striking ''Advisory Committee'' and inserting ''Board of Trustees''.

(2) The chapter analysis for chapter 9 of title 14, United States Code, is amended by striking the item relating to section 193, and inserting the following:

''193. Board of Trustees''.

SEC. 206. SPECIAL PAY FOR PHYSICIAN ASSISTANTS.

Section 302c(d)(1) of title 37, United States Code, is amended by inserting ''an officer in the Coast Guard or Coast Guard Reserve designated as a physician assistant,'' after ''nurse,''.

SEC. 207. SUSPENSION OF RETIRED PAY OF COAST GUARD MEMBERS WHO ARE ABSENT FROM THE UNITED STATES TO AVOID PROSECUTION.

Procedures promulgated by the Secretary of Defense under section 633(a) of the National Defense Authorization Act for Fiscal Year 1997 (Public Law 104–201) shall apply to the Coast Guard. The Commandant of the Coast Guard shall be considered a Secretary of a military department for purposes of suspending pay under section 633 of that Act.

TITLE III—MARINE SAFETY

SEC. 301. EXTENSION OF TERRITORIAL SEA FOR VESSEL BRIDGE-TO-BRIDGE RADIOTELEPHONE ACT.

Section 4(b) of the Vessel Bridge-to-Bridge Radiotelephone Act (33 U.S.C. 1203(b)), is amended by striking ''United States inside the lines established pursuant to section 2 of the Act of February 19, 1895 (28 Stat. 672), as amended.'' and inserting ''United States, which includes all waters of the territorial sea of the United States as described in Presidential Proclamation 5928 of December 27, 1988.''.

SEC. 302. REPORT ON ICEBREAKING SERVICES.

(a) REPORT.—Not later than 9 months after the date of enactment of this Act, the Commandant of the Coast Guard shall submit to the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House, a report on the use of WYTL-class harbor tugs. The report shall include an analysis of the use of such vessels to perform icebreaking services; the degree to which, if any, the decommissioning of each such vessel would result in a degradation of current icebreaking services; and in the event that the decommissioning of any such vessel would result in a significant degradation of icebreaking services, recommendations to remediate such degradation.

(b) 9-MONTH WAITING PERIOD.—The Commandant of the Coast Guard shall not plan, implement or finalize any regulation or take any other action which would result in the decommissioning of any WYTL-class harbor tugs until 9 months after the date of the submission of the report required by subsection (a) of this section.

SEC. 303. OIL SPILL LIABILITY TRUST FUND ANNUAL REPORT.

(a) IN GENERAL.—The report regarding the Oil Spill Liability Trust Fund required by the Conference Report (House Report 101–892) accompanying the Department of Transportation and Related Agencies Appropriations Act, 1991, as that requirement was amended by section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note), shall no longer be submitted to Congress.

(b) REPEAL.—Section 1122 of the Federal Reports Elimination and Sunset Act of 1995 (26 U.S.C. 9509 note) is amended by—

(1) striking subsection (a); and

(2) striking ''(b) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—''.

SEC. 304. OIL SPILL LIABILITY TRUST FUND; EMERGENCY FUND BORROWING AUTHORITY.

Section 6002(b) of the Oil Pollution Act of 1990 (33 U.S.C. 2752(b)) is amended after the first sentence by inserting ''To the extent that such amount is not adequate for removal of a discharge or the mitigation or prevention of a substantial threat of a discharge, the Coast Guard may borrow from the Fund such sums as may be necessary, up to a maximum of $100,000,000, and within 30 days shall notify Congress of the amount borrowed and the facts and circumstances necessitating the loan. Amounts borrowed shall be repaid to the Fund when, and to the extent that removal costs are recovered by the Coast Guard from responsible parties for the discharge or substantial threat of discharge.''.

SEC. 305. MERCHANT MARINER DOCUMENT REQUIREMENTS.

Section 8701(a) of title 46, United States Code, is amended—

(1) by striking ''and'' at the end of paragraph (8);

(2) by redesignating paragraph (9) as paragraph (10); and

(3) by inserting after paragraph (8) the following:

''(9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed as gaming personnel, entertainment personnel, wait staff, or other service personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo, or passengers; and''.

TITLE IV—RENEWAL OF ADVISORY GROUPS

SEC. 401. COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.

(a) COMMERCIAL FISHING INDUSTRY VESSEL ADVISORY COMMITTEE.—Section 4508 of title 46, United States Code, is amended—

*(1) by inserting ''**Safety**'' in the heading after ''**Vessel**'';*

(2) by inserting ''Safety''in subsection (a) after ''Vessel'';

(3) by striking ''Secretary'' in subsection (a)(1) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(4) by striking ''Secretary'' in subsection (a)(4) and inserting ''Commandant'';

(5) by striking the last sentence in subsection (b)(5);

(6) by striking ''Committee'' in subsection (c)(1) and inserting ''Committee, through the Commandant,'';

(7) by striking ''shall'' in subsection (c)(2) and inserting ''shall, through the Commandant,''; and

(8) by striking ''(5 U.S.C App. 1 et seq.)'' in subsection (e)(1)(I) and inserting ''(5 U.S.C. App.)''; and

(9) by striking ''of September 30, 2000'' and inserting ''on September 30, 2005''.

(b) CONFORMING AMENDMENT.—The chapter analysis for chapter 45 of title 46, United States Code, is amended by striking the item relating to section 4508 and inserting the following:

''4508. Commercial Fishing Industry Vessel Safety Advisory Committee''.

SEC. 402. HOUSTON-GALVESTON NAVIGATION SAFETY ADVISORY COMMITTEE.

Section 18 of the Coast Guard Authorization Act of 1991 is amended—

(1) by striking ''operating (hereinafter in this part referred to as the 'Secretary')'' in the second sentence of subsection (a)(1) and inserting ''operating, through the Commandant of the Coast Guard,'';

(2) by striking ''Committee'' in the third sentence of subsection (a)(1) and inserting ''Committee, through the Commandant,'';

(3) by striking ''Secretary,'' in the second sentence of subsection (a)(2) and inserting ''Commandant,''; and

(4) by striking ''September 30, 2000.'' in subsection (h) and inserting ''September 30, 2005.''.

SEC. 403. LOWER MISSISSIPPI RIVER WATERWAY ADVISORY COMMITTEE.

Section 19 of the Coast Guard Authorization Act of 1991 (Public Law 102–241) is amended—

(1) by striking ''operating (hereinafter in this part referred to as the 'Secretary')'' in the second sentence of subsection (a)(1) and inserting ''operating, through the Commandant of the Coast Guard,'';

(2) by striking ''Committee'' in the third sentence of subsection (a)(1) and inserting ''Committee, through the Commandant,''; and

(3) by striking ''September 30, 2000'' in subsection (g) and inserting ''September 30, 2005''.

SEC. 404. GREAT LAKES PILOTAGE ADVISORY COMMITTEE.

Section 9307 of title 46, United States Code, is amended—

(1) by striking ''Secretary'' in subsection (a)(1) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary,'' in subsection (a)(4)(A) and inserting ''Commandant,'';

(3) by striking the last sentence of subsection (c)(2);

(4) by striking ''Committee'' in subsection (d)(1) and inserting ''Committee, through the Commandant,'';

(5) by striking ''Secretary'' in subsection (d)(2) and inserting ''Secretary, through the Commandant,''; and

(6) by striking ''September 30, 2003.'' in subsection (f)(1) and inserting ''September 30, 2005.''.

SEC. 405. NAVIGATION SAFETY ADVISORY COUNCIL.

Section 5 of the Inland Navigational Rules Act of 1980 (33 U.S.C. 2073) is amended—

(1) by striking ''Secretary'' in the first sentence of subsection (b) and inserting ''Secretary, through the Commandant of the Coast Guard,'';

(2) by striking ''Secretary'' in the third sentence of subsection (b) and inserting ''Commandant''; and

(3) by striking ''September 30, 2000'' in subsection (d) and inserting ''September 30, 2005''.

SEC. 406. NATIONAL BOATING SAFETY ADVISORY COUNCIL.

Section 13110 of title 46, United States Code, is amended—

(1) by striking ''consult'' in subsection (c) and inserting ''consult, through the Commandant of the Coast Guard,''; and

(2) by striking ''September 30, 2000'' in subsection (e) and inserting ''September 30, 2005''.

SEC. 407. TOWING SAFETY ADVISORY COMMITTEE.

The Act entitled An Act to Establish a Towing Safety Advisory Committee in the Department of Transportation (33 U.S.C. 1231a) is amended—

(1) by striking ''Secretary'' in the second sentence of subsection (b) and inserting ''Secretary, through the Commandant of the Coast Guard'';

(2) by striking ''Secretary'' in the first sentence of subsection (c) and inserting ''Secretary, through the Commandant,'';

(3) by striking ''Committee'' in the third sentence of subsection (c) and inserting ''Committee, through the Commandant,'';

(4) by striking ''Secretary,'' in the fourth sentence of subsection (c) and inserting ''Commandant,''; and

(5) by striking ''September 30, 2000.'' in subsection (e) and inserting ''September 30, 2005.''.

TITLE V—MISCELLANEOUS

SEC. 501. COAST GUARD REPORT ON IMPLEMENTATION OF NTSB RECOMMENDATIONS.

The Commandant of the United States Coast Guard shall submit a written report to the Committee on Commerce, Science, and Transportation within 90 days after the date of enactment of this Act on what actions the Coast Guard has taken to implement the recommendations of the National Transportation Safety Board in its Report No. MAR–99–01. The report—

(1) shall describe in detail, by geographic region—

(A) what steps the Coast Guard is taking to fill gaps in its communications coverage;

(B) what progress the Coast Guard has made in installing direction-finding systems; and

(C) what progress the Coast Guard has made toward completing its national distress and response system modernization project; and

(2) include an assessment of the safety benefits that might reasonably be expected to result from increased or accelerated funding for—

(A) measures described in paragraph (1)(A); and

(B) the national distress and response system modernization project.

SEC. 502. CONVEYANCE OF COAST GUARD PROPERTY IN PORTLAND, MAINE.

(a) AUTHORITY TO CONVEY.—

(1) IN GENERAL.—The Administrator of the General Services Administration may convey to the Gulf of Maine Aquarium Development Corporation, its successors and assigns, without payment for consideration, all right, title, and interest of the United States of America in and to approximately 4.13 acres of land, including a pier and bulkhead, known as the Naval Reserve Pier property, together with any improvements thereon in their then current condition, located in Portland, Maine. All conditions placed with the deed of title shall be construed as covenants running with the land. Since the Federal agency actions necessary to effectuate the transfer of the Naval Reserve Pier property will further the objectives of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 et seq.), requirements applicable to agency actions under these and other environmental planning laws are unnecessary and shall not be required. The provisions of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11301 et seq.) shall not apply to any building or property at the Naval Reserve Pier property.

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant of the Coast Guard, may identify, describe, and determine the property to be conveyed under this section. The floating docks associated with or attached to the Naval Reserve Pier property shall remain the personal property of the United States.

(b) LEASE TO THE UNITED STATES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into a lease agreement with the United States, the terms of which are mutually satisfactory to the Commandant and the Corporation, in which the Corporation shall lease a portion of the Naval Reserve Pier property to the United States for a term of 30 years without payment of consideration. The lease agreement shall be executed within 12 months after the date of enactment of this Act.

(2) The Administrator, in consultation with the Commandant, may identify and describe the Leased Premises and rights of access including, but not limited to, those listed below, in order to allow the United States Coast Guard to operate and perform missions, from and upon the Leased Premises:

(A) the right of ingress and egress over the Naval Reserve Pier property, including the pier and bulkhead, at any time, without notice, for purposes of access to United States Coast Guard vessels and performance of United States Coast Guard missions and other mission-related activities;

(B) the right to berth United States Coast Guard cutters or other vessels as required, in the moorings along the east side of the Naval Reserve Pier property, and the right to attach floating docks which shall be owned and maintained at the United States' sole cost and expense;

(C) the right to operate, maintain, remove, relocate, or replace an aid to navigation located upon, or to install any aid to navigation upon, the Naval Reserve Pier property as the Coast Guard, in its sole discretion, may determine is needed for navigational purposes;

(D) the right to occupy up to 3,000 gross square feet at the Naval Reserve Pier Property for storage and office space, which will be provided and constructed by the Corporation, at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense;

(E) the right to occupy up to 1200 gross square feet of offsite storage in a location other than the Naval Reserve Pier Property, which will be provided by the Corporation at the Corporation's sole cost and expense, and which will be maintained, and utilities and other operating expenses paid for, by the United States at its sole cost and expense; and

(F) the right for United States Coast Guard personnel to park up to 60 vehicles, at no expense to the government, in the Corporation's parking spaces on the Naval Reserve Pier property or in parking spaces that the Corporation may secure within 1,000 feet of the Naval Reserve Pier property or within 1,000 feet of the Coast Guard Marine Safety Office Portland. Spaces for no less than thirty vehicles shall be located on the Naval Reserve Pier property.

(3) The lease described in paragraph (1) may be renewed, at the sole option of the United States, for additional lease terms.

(4) The United States may not sublease the Leased Premises to a third party or use the Leased Premises for purposes other than fulfilling the missions of the United States Coast Guard and for other mission related activities.

(5) In the event that the United States Coast Guard ceases to use the Leased Premises, the Administrator, in consultation with the Commandant, may terminate the lease with the Corporation.

(c) IMPROVEMENT OF LEASED PREMISES.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States, subject to the Commandant's design specifications, project's schedule, and final project approval, to replace the bulkhead and pier which connects to, and

provides access from, the bulkhead to the floating docks, at the Corporation's sole cost and expense, on the east side of the Naval Reserve Pier Property within 30 months from the date of conveyance. The agreement to improve the leased premises shall be executed within 12 months after the date of enactment of this Act.

(2) In addition to the improvements described in paragraph (1), the Commandant is authorized to further improve the Leased Premises during the lease term, at the United States' sole cost and expense.

(d) UTILITY INSTALLATION AND MAINTAINANCE OBLIGATIONS.—

(1) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to allow the United States to operate and maintain existing utility lines and related equipment, at the United States' sole cost and expense. At such time as the Corporation constructs its proposed public aquarium, the Corporation shall replace existing utility lines and related equipment and provide additional utility lines and equipment capable of supporting a third 110-foot Coast Guard cutter, with comparable, new, code compliant utility lines and equipment at the Corporation's sole cost and expense, maintain such utility lines and related equipment from an agreed upon demarcation point, and make such utility lines and equipment available for use by the United States, provided that the United States pays for its use of utilities at its sole cost and expense. The agreement concerning the operation and maintenance of utility lines and equipment shall be executed within 12 months after the date of enactment of this Act.

(2) The Naval Reserve Pier property shall not be conveyed until the Corporation enters into an agreement with the United States to maintain, at the Corporation's sole cost and expense, the bulkhead and pier on the east side of the Naval Reserve Pier property. The agreement concerning the maintenance of the bulkhead and pier shall be executed within 12 months after the date of enactment of this Act.

(3) The United States shall be required to maintain, at its sole cost and expense, any Coast Guard active aid to navigation located upon the Naval Reserve Pier Property.

(e) ADDITIONAL RIGHTS.—The conveyance of the Naval Reserve Pier property shall be made subject to conditions the Administrator or the Commandant consider necessary to ensure that—

(1) the Corporation shall not interfere or allow interference, in any manner, with use of the Leased Premises by the United States; and

(2) the Corporation shall not interfere or allow interference, in any manner, with any aid to navigation nor hinder activities required for the operation and maintenance of any aid to navigation, without the express written permission of the head of the agency responsible for operating and maintaining the aid to navigation.

(f) REMEDIES AND REVERSIONARY INTEREST.—The Naval Reserve Pier property, at the option of the Administrator, shall revert to the United States and be placed under the administrative control of the Administrator, if, and only if, the Corporation fails to abide by any of the terms of this section or any agreement entered into under subsection (b), (c), or (d) of this section.

(g) LIABILITY OF THE PARTIES.—The liability of the United States and the Corporation for any injury, death, or damage to or loss of property occurring on the leased property shall be determined with reference to existing State or Federal law, as appropriate, and any such liability may not be modified or enlarged by this Act or any agreement of the parties.

(h) EXPIRATION OF AUTHORITY TO CONVEY.—The authority to convey the Naval Reserve Property under this section shall expire 3 years after the date of enactment of this Act.

(i) DEFINITIONS.—In this section:

(1) AID TO NAVIGATION.—The term ''aid to navigation'' means equipment used for navigational purposed, including but not limited to, a light, antenna, sound signal, electronic navigation equipment, cameras, sensors power source, or other related equipment which are operated or maintained by the United States.

(2) CORPORATION.—The term ''Corporation'' means the Gulf of Maine Aquarium Development Corporation, its successors and assigns.

SEC. 503. TRANSFER OF COAST GUARD STATION SCITUATE TO THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION.

(a) AUTHORITY TO TRANSFER.—

(1) IN GENERAL.—The Administrator of the General Services Administration (Administrator), in consultation with the Commandant, United States Coast Guard, may transfer, without consideration, administrative jurisdiction, custody and control over the Federal property, known as Coast Guard Station Scituate, to the National Oceanic and Atmospheric Administration (NOAA). Since the Federal agency actions necessary to effectuate the administrative transfer of the property will further the objectives of the National Environmental Policy Act of 1969, Public Law 91–190 (42 U.S.C. 4321 et seq.) and the National Historic Preservation Act of 1966, Public Law 89–665 (16 U.S.C. 470 et seq.), procedures applicable to agency actions under these laws are unnecessary and shall not be required. Similarly, the Federal agency actions necessary to effectuate the transfer of the property will not be subject to the Stewart B. McKinney Homeless Assistance Act, Public Law 100–77 (42 U.S.C. 11301 et seq.).

(2) IDENTIFICATION OF PROPERTY.—The Administrator, in consultation with the Commandant, may identify, describe, and determine the property to be transferred under this subsection.

(b) TERMS OF TRANSFER.—The transfer of the property shall be made subject to any conditions and reservations the Administrator and the Commandant consider necessary to ensure that—

(1) the transfer of the property to NOAA is contingent upon the relocation of Coast Guard Station Scituate to a suitable site;

(2) there is reserved to the Coast Guard the right to remove, relocate, or replace any aid to navigation located upon, or install any aid to navigation upon, the property transferred under this section as may be necessary for navigational purposes; and

(3) the Coast Guard shall have the right to enter the property transferred under this section at any time, without notice, for purposes of operating, maintaining, and inspecting any aid to navigation. The transfer of the property shall be made subject to the review and acceptance of the property by NOAA.

(c) RELOCATION OF STATION SCITUATE.—The Coast Guard may lease land, including unimproved or vacant land, for a term not to exceed 20 years, for the purpose of relocating Coast Guard Station Scituate. The Coast Guard may improve the land leased under paragraph (1) of this subsection.

SEC. 504. HARBOR SAFETY COMMITTEES.

(a) STUDY.—The Coast Guard shall study existing harbor safety committees in the United States to identify—

(1) strategies for gaining successful cooperation among the various groups having an interest in the local port or waterway;

(2) organizational models that can be applied to new or existing harbor safety committees or to prototype harbor safety committees established under subsection (b);

(3) technological assistance that will help harbor safety committees overcome local impediments to safety, mobility, environmental protection, and port security; and

(4) recurring resources necessary to ensure the success of harbor safety committees.

(b) PROTOTYPE COMMITTEES.—The Coast Guard shall test the feasibility of expanding the harbor safety committee concept to small and medium-sized ports that are not generally served by a harbor safety committee by establishing 1 or more prototype harbor safety committees. In selecting a location or locations for the establishment of a prototype harbor safety committee, the Coast Guard shall—

(1) consider the results of the study conducted under subsection (a);

(2) consider identified safety issues for a particular port;

(3) compare the potential benefits of establishing such a committee with the burdens the establishment of such a committee would impose on participating agencies and organizations;

(4) consider the anticipated level of support from interested parties; and

(5) take into account such other factors as may be appropriate.

(c) EFFECT ON EXISTING PROGRAMS AND STATE LAW.—Nothing in this section—

(1) limits the scope or activities of harbor safety committees in existence on the date of enactment of this Act;

(2) precludes the establishment of new harbor safety committees in locations not selected for the establishment of a prototype committee under subsection (b); or

(3) preempts State law.

(d) NONAPPLICATION OF FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) does not apply to harbor safety committees established under this section or any other provision of law.

(e) HARBOR SAFETY COMMITTEE DEFINED.—In this section, the term ''harbor safety committee'' means a local coordinating body—

(1) whose responsibilities include recommending actions to improve the safety of a port or waterway; and

(2) the membership of which includes representatives of government agencies, maritime labor and industry organizations, environmental groups, and public interest groups.

SEC. 505. EXTENSION OF INTERIM AUTHORITY FOR DRY BULK CARGO RESIDUE DISPOSAL.

Section 415(b)(2) of the Coast Guard Authorization Act of 1998 is amended by striking ''2002.'' and inserting ''2003.''.

SEC. 506. VESSEL MIST COVE.

(a) CONSTRUCTION TONNAGE OF M/V MIST COVE.—The M/V MIST COVE (United States official number 1085817) is deemed to be less than 100 gross tons, as measured by chapter 145 of title 46, United States Code, for purposes of applying the optional regulatory measurement under section 14305 of that title.

(b) LIMITATION ON APPLICATION.—Subsection (a) shall not apply on any date on which the length of the vessel exceeds 157 feet.

SEC. 507. LIGHTHOUSE CONVEYANCE.

Nothwithstanding any other provision of law, the conveyance authorized by section 416(a)(1)(H) of Public Law 105–383 shall take place within 3 months after the date of enactment of this Act. Notwithstanding the previous sentence, the conveyance shall be subject to subsections (a)(2), (a)(3), (b), and (c) of section 416 of Public Law 105–383.

AMENDMENT NO. 4022

(Purpose: To make changes and additions to the bill as reported by the Committee)

Mr. CAMPBELL. Mr. President, Senators SNOWE and KERRY have an amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Ms. SNOWE, for herself and Mr. KERRY, proposes an amendment numbered 4022.

Mr. CAMPBELL. 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. CAMPBELL. Mr. President, I ask unanimous consent the amendment be agreed to.

The amendment (No. 4022) was agreed to.

Ms. SNOWE. Mr. President, I am pleased that today the Senate is considering passage of S. 1089, the Coast Guard Authorization Act of 2000. I have also filed a manager's amendment which makes a series of necessary changes to the reported bill.

The Coast Guard has been defined as ''a unique instrument of national security.'' But it is so much more than simply one-fifth of our Armed Forces. The Coast Guard's peacetime missions continue to expand as our nation asks more and more of these 36,000 men and women who serve our country. From its traditional roles of rescuing mariners in distress and protecting the marine environment, to more recent responsibilities including intercepting illegal drugs and alien migrants bound for U.S. shores, the Coast Guard has proven time and again why this agency is so valuable. Whether it is protecting mariners along the Maine coastline, managing inland waterway barge traffic on the Mississippi River, or enforcing fisheries conservation laws in the Bering Sea, the Coast Guard provides an indispensable service to our nation.

Despite the fact that demands on the agency continue to grow, the Coast Guard, like the other four military services, faces critical readiness problems. In January, the Commandant of the Coast Guard was forced to cut back all routine, non-emergency operations by 10 percent. Unfortunately, on May 30, the Commandant announced a further reduction in missions which resulted in an overall 25 percent reduction in routine operations. This cut resulted in a 20 percent reduction in fisheries law enforcement patrols in the Gulf of Maine and forced two Portland-based Coast Guard cutters to decrease their at sea time by nearly 65 percent this year. Mr. President, this is simply unacceptable.

Several weeks ago, the Military Construction Appropriations Bill for fiscal year 2001 was enacted. This bill contained $700 million in supplemental emergency appropriations for the Coast Guard. It is now incumbent upon the Administration to declare the existing readiness shortfalls and reduction in operations as an emergency condition which requires supplemental funding. Only then will the Coast Guard receive this critical funding and be able to resume normal operations protecting our coasts, our resources and our citizens.

Mr. President, the bill before the Senate attempts to solve the Coast Guard's most immediate problems and provides future funding levels and other readiness improvements that would restore the Coast Guard's ability to continue operating at normal levels and prevent reductions in the future. S. 1089 authorizes the Coast Guard at $3.95 billion for fiscal year 2000, a $200 million increase over the fiscal year 2000 appropriated level. It also authorizes $4.75 billion for fiscal year 2001, an $800 million increase over the fiscal year 2000 appropriated level. In addition, the bill authorizes such funds as may be necessary in fiscal year 2002, depending on the Administration's request. It funds critical readiness areas, such as increases in military pay and housing allowances as well as enhanced recruiting programs. In addition, the bill authorizes several important procurement projects including the Integrated Deepwater System that will recapitalize the Coast Guard's fleet of aging ships and aircraft over the next ten years. Moreover, it authorizes the modernization of the Coast Guard's National Distress and Response system, our country's 1950's era maritime emergency communication system. S. 1089 also authorizes several management improvements requested by the Coast Guard to provide parity between Coast Guard military members and other Department of Defense service members.

The bill authorizes end-of-year military strength and training levels that would address personnel shortages created by a Service that may have been too aggressive in its streamlining initiatives during the last decade. This bill authorizes funding to recapitalize the LORAN-C radio navigation system, which continues to be the primary navigation system used by many vessel and aircraft owners. It also authorizes the Coast Guard to operate excess Navy patrol craft in their mission to stop the flow of illegal drugs across the Caribbean Basin. Finally, S. 1089 addresses various personnel management and marine safety issues to improve day-to-day operations of the Coast Guard.

During the winter of 1999–2000, my home state of Maine experienced severe freezing on our rivers and bays. Without the work of Coast Guard icebreakers, which cleared waterways for heating oil barges, Maine could have suffered from a heating oil shortage. The work of these small cutters is critical to Maine and the entire northeast. As such, this bill requires the Coast Guard to conduct an in depth study of future domestic icebreaking requirements. It further requires the Coast Guard to operate and maintain their fleet of harbor icebreakers until the Congress has had an adequate period to evaluate the agency's recommendations.

Mr. President, I believe the Coast Guard is up to the challenge of being the world's premier maritime organization despite the readiness problems it currently faces. It is my belief this bill provides the Coast Guard with the support it needs to meet that challenge.

Let me take this opportunity to thank Senator MCCAIN, the Chairman of the Commerce Committee, Senator HOLLINGS, the ranking member on the Committee, Senator KERRY, the ranking member on the Oceans and Fisheries Subcommittee, and the other Committee members for their bipartisan support of the Coast Guard throughout this process. Mr. President, I urge the adoption of the manager's amendment and passage of S. 1089.

Mr. MCCAIN. Mr. President, I rise in support of the Coast Guard Authorization Act of 2000. Charged with maintaining our national defense and the safety of our citizens, the Coast Guard is a multi-mission agency. The Coast Guard is a branch of the U.S. Armed Forces, but it is also responsible for search and rescue services and maritime law enforcement throughout our nation's waters. Daily operations include drug interdiction, environmental protection, marine inspection, licensing, port safety and security, aids to navigation, waterways management, and boating safety.

Recently the Coast Guard has been forced to reduce its services and cut its operations as a result of funding shortfalls. Earlier this year, the Coast Guard reduced its non-emergency operations first by 10 percent and subsequently by 25 percent. Mr. President, the Coast Guard deserves better, and the bill before the Senate authorizes funding at levels which would restore the Coast Guard to normal operations levels and prevent reductions in the future. Additionally, the bill provides necessary funding for cutter and aircraft maintenance including the elimination of the existing spare parts shortage. Simply put, S.1089 allows the Coast Guard to continue their critical work on behalf of our country.

This bill provides the funding necessary to maintain the level of service and the quality of performance that the United States has come to expect from the Coast Guard. I commend the men and women of the Coast Guard for their honorable and courageous service to this country. The bill authorizes $3.95 billion in FY 2000, $4.75 billion in 2001, and such funds as may be necessary in FY 2002, depending on the administration's request.

One critical goal of this bill is to provide parity with the Department of Defense on certain personnel matters. Mr. President, we should ensure that the men and women serving in the Coast Guard are not adversely effected because the Coast Guard does not fall under the DOD umbrella. This bill provides parity with DOD for military pay and housing allowance increases, Coast Guard membership on the USO Board of Governors, and compensation for isolated duty.

In today's strong economy, maintaining high level service members is a serious challenge. Additional funding in this bill provides for recruiting and retention initiatives, to ensure that the Coast Guard retains the most qualified young Americans. In addition, it addresses the current shortage of qualified pilots and authorizes the Coast

Guard to send more students to flight school.

Mr. President, the Coast Guard is the lead federal agency in maritime drug interdiction. Therefore, they are often our nation's first line of defense in the war on drugs. This bill authorizes the Coast Guard to acquire and operate up to seven ex-Navy patrol boats, thereby expanding the Coast Guard's critical presence in the Caribbean, a major drug trafficking area. With the vast majority of the drugs smuggled into the United States on the water, the Coast Guard must remain well equipped to prevent drugs from reaching our schools and streets.

Environmental protection, including oil-spill cleanup, is an invaluable service provided by the Coast Guard. Under current law, the Coast Guard has access to a permanent annual appropriation of $50 million, distributed by the Oil Spill Liability Trust Fund, to carry out emergency oil spill response needs. Over the past few years, the fund has spent an average of $42 to $50 million per year, without the occurrence of a major oil spill. Clearly these funds would not be adequate to respond to a large spill. For instance, a spill the size of the Exxon Valdez could easily deplete the annual appropriated funds in two to three weeks. This bill authorizes the Coast Guard to borrow up to an additional $100 million, per incident, from the Oil Spill Liability Trust Fund, for emergency spill responses. In such cases, it also requires the Coast Guard to notify Congress of amounts borrowed within thirty days and repay such amounts once payment is collected from the responsible party.

This bill represents a thorough set of improvements which will make the Coast Guard more effective, improve the quality of life of its personnel, and facilitate their daily operations. I would like to express my gratitude and that of the full Commerce Committee to staff who worked on this bill, including Sloan Rappoport, Stephanie Bailenson, Rob Freeman, Emily Lindow, Brooke Sikora, Margaret Spring, Catherine Wannamaker, Jean Toal, Carl Bentzel, and Rick Kenin, a Coast Guard fellow whose knowledge of the Coast Guard was invaluable to the Committee because he was able to give a first hand account of how this bill will improve the lives of the men and women who so dutifully serve our nation. I would also like to thank Senators SNOWE, HOLLINGS, and KERRY for their bipartisan support of and hard work on this bill.

Mr. KERRY. Mr. President, I rise today to support Senate passage of H.R. 820, as a amended by the text of S. 1089, the Coast Guard Authorization Act of 2000. I would like to thank Senator SNOWE for her leadership on this very important legislation, of which I am proud to be a cosponsor. The legislation provides authorization of appropriations for fiscal years 2000 through 2002 for the U.S. Coast Guard, and is an important step to helping them further their responsibilities that are so important to all of us.

It is widely recognized that the Coast Guard is critically underfunded. Pursuant to the administration's request, H.R. 820 authorizes a substantial increase in the two largest Coast Guard appropriation accounts, operating expenses and acquisition, construction, and improvement of equipment and facilities. Operating funds are critically needed by the Coast Guard to protect public safety and the marine environment, enforce laws and treaties, ensure safety and compliance in our marine fisheries, maintain aids to navigation, prevent illegal drug trafficking and illegal alien migration, and preserve defense readiness.

H.R. 820 will also provide an increase of approximately $130 million for the acquisition, construction, and improvement of equipment and facilities. These funds would be used to support vital long-term projects such as the Deepwater System, which the Coast Guard launched in 1998 to modernize its aging, and now inadequate, deepwater-capable cutters and aircraft. H.R. 820 specifically authorizes $42.3 million of the $9.6 billion required over the next twenty years for this Integrated Deepwater System.

Increasing authorization levels for the Coast Guard is important, but we must continue to work together to ensure the increases in this bill become a reality for the agency in the coming years. The Coast Guard is facing a fiscal crisis as a result of a number of budgetary pressures. While demand for Coast Guard services continues to increase, there has been no parallel increase in the amounts available for the Coast Guard in our budget. We are only in the beginning stages of modernizing aging ships and aircraft through the Deepwater Project, and funding needs will increase in the coming years. At the same time, the number of jobs created by the new economy has severely affected Coast Guard recruitment, and it disturbs me to report that the Coast Guard is short nearly 1,000 uniformed personnel. Ever-increasing fuel and maintenance costs, along with these escalating recruiting costs to address personnel shortfalls, have placed increased pressure on Coast Guard operations.

This year, these pressures forced the Coast Guard to reduce days at seas and flight hours for a number of its missions such as environmental protection, fisheries enforcement, and drug trafficking; meanwhile, the demands of these missions grow daily. More commercial and recreational vessels ply our waters today than ever before in our Nation's history. International trade has expanded greatly, resulting in increased maritime traffic through our Nation's ports and harbors. Tighter border patrols have forced drug traffickers to use the thousands of miles of our county's coastline as the means to introduce illegal drugs into our country. In a typical day the Coast Guard will save 14 lives, seize 209 pounds of marijuana and 170 pounds of cocaine, and save $2.5 million in property.

The continued operation of all of the Coast Guard services is critical. The men and women of the Coast Guard do their utmost for us every day. We owe it to them to provide the resources necessary to carry out their missions effectively and safely. H.R. 820 is a good first step, and I would hope that my colleagues will join Senator SNOWE and me in our continuing effort to rebuild our Nation's oldest sea service.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the bill be read the third time.

The bill (S. 1089), as amended, was read the third time.

Mr. CAMPBELL. I further ask unanimous consent H.R. 820 be discharged from the Commerce Committee and the Senate proceed to its consideration. Further, I ask all after the enacting clause be stricken and the text of S. 1089, as amended, be inserted in lieu thereof, the bill be read the third time and passed, with a motion to reconsider laid upon the table.

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

The bill (H.R. 820), as amended, was read the third time and passed.

Mr. CAMPBELL. Mr. President, I ask unanimous consent the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered. The Presiding Officer (Mr. VOINOVICH) appointed Mr. MCCAIN, Mr. STEVENS, Ms. SNOWE, Mr. HOLLINGS, and Mr. KERRY of Massachusetts, conferees on the part of the Senate.

Mr. CAMPBELL. Finally, I ask unanimous consent S. 1089 be placed back on the calendar.

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

Mr. CAMPBELL. Mr. President, I ask unanimous consent I speak for 5 minutes as in morning business.

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

The Senator from Colorado is recognized.

MR. CAMPBELL. I thank the Chair.

(The remarks of Mr. CAMPBELL pertaining to the introduction of S. 2950 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

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

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I ask unanimous consent to proceed as in morning business.

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

JUVENILE JUSTICE CONFERENCE

Mr. LEAHY. Mr. President, today is in effect the anniversary of the only

meeting of the House-Senate Conference committee on the Hatch-Leahy juvenile crime bill. This is the last day before the August recess this year and last year on August 5, Chairman HATCH convened the conference for the limited purpose of opening statements. I am disappointed that the majority continues to refuse to reconvene the conference and that for a over a year this Congress has failed to respond to issues of youth violence, school violence and crime prevention.

It has been 15 months since the shooting at Columbine High School in Littleton, Colorado, where 14 students and a teacher lost their lives in that tragedy on April 20, 1999. It has been 14 months since the Senate passed the Hatch-Leahy juvenile justice bill by an overwhelming vote of 73–25. Our bipartisan bill includes modest yet effective gun safety provisions. It has been 13 months since the House of Representatives passed its own juvenile crime bill on June 17, 1999.

Sadly, it will be 12 months next week since the House and Senate juvenile justice conference met for the first—and only—time on August 5, 1999, less than 24 hours before the Congress adjourned for its long August recess.

Senate and House Democrats have been ready for months to reconvene the juvenile justice conference and work with Republicans to craft an effective juvenile justice conference report that includes reasonable gun safety provisions, but the majority refuses to act. Indeed, on October 20, 1999, all the House and Senate Democratic conferees wrote to Senator HATCH, the Chairman of the juvenile justice conference, and Congressman HYDE, the Chairman of the House Judiciary Committee, to reconvene the conference immediately. In April 2000, Congressman HYDE joined our call for the juvenile justice conference to meet as soon as possible in a letter to Senator HATCH, which was also signed by Congressman CONYERS.

A few months ago, the President even invited House and Senate members of the conference to the White House to urge us to proceed to the conference and to final enactment of legislation before the anniversary of the Columbine tragedy. But the majority has rejected his pleas for action as they have those of the American people. Apparently, the gun lobby objects to one provision in the bill, even though the bill passed overwhelmingly, and they will not let us proceed with the conference. This lobby was not elected to the Senate or to the House of Representatives, but apparently has enormous influence.

Every parent, teacher and student in this country is concerned about school violence over the last two years and worried about when the next shooting may occur. They only hope it does not happen at their school or involve their children.

Just last week, a 13-year old student put a gun to a fellow classmate at Seattle middle school. Although the student fired a shot in the school cafeteria, thankfully no one was hurt during this latest school shooting. Unfortunately, that cannot be said about the rash of recent incidents of school violence throughout the country. The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, Colorado, Georgia, Michigan, and Florida is simply unacceptable and intolerable.

We all recognize that there is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. But we have an opportunity before us to do our part. We should not let another school year begin without addressing some of the core issues of youth violence and school violence. We should seize this opportunity to act on balanced, effective juvenile justice legislation, and measures to keep guns out of the hands of children and away from criminals.

It is ironic that the Senate will be in recess next week on the anniversary of the first and only meeting of the juvenile justice conference. In fact, the Senate has been in recess more than in session since the one ceremonial meeting of the juvenile crime conference committee. It is beneath us. We ought to meet. We ought to get this done.

CONGRESS AND THE FEDERAL JUDICIARY

Mr. LEAHY. Mr. President, I want to turn now to another issue. This time last year, I rose to express concern about the final decisions of the Supreme Court's 1998 Term, in which it struck down on federalism grounds three important pieces of bipartisan legislation. Another Supreme Court Term has now ended, and this Term's victims include the Violence Against Women Act and, as applied to State employees, the Age Discrimination in Employment Act.

I see my distinguished friend from Delaware in the Chamber, and I know he has spoken extensively on this. I believe it bears repeating.

We have seen a growing trend of judicial second-guessing of congressional policy decisions, both in the Supreme Court and in some of the lower Federal courts. Most troubling to me is the encroachment of the Federal judiciary on the legitimate functions of the Federal legislative branch in matters that are perceived by the courts to impact the States.

We ought to all be concerned about this because it affects our constitutional system of checks and balances. We ought to ask ourselves how we can have a situation where an unelected group of Supreme Court Justices can over and over substitute their judgment for the judgment of the elected representatives of this country.

It is not a question of how we feel about an individual case. Sometimes I vote for these bills and sometimes I vote against them. But when we have held hearings, when we have determined that there is a need for Federal legislation, when we have gone forward, and then in an almost cavalier and, in some cases, disdainful fashion, the Supreme Court knocks it all down, something is wrong. It is time for us to join together in taking stock of the relationship between Congress and the courts.

According to a recent article by Stuart Taylor, the Rehnquist Court has struck down about two dozen congressional enactments in the last five terms. That is about five per year—a stunning pace. To put that in perspective, consider that the Supreme Court struck down a total of 128 Federal statutes during its first 200 years. That is less than one per year, and it includes the years of the so-called ''activist'' Warren Court.

Justice Scalia recently admitted that the Rehnquist Court is ''striking down as many Federal statutes from year to year as the Warren Court at its peak.'' In fact, the Rehnquist Court, with its seven Republican-appointed Justices, is striking down Federal statutes almost as fast as this Republican Congress can enact them. These cases evidence a breakdown of respect between the judiciary and legislative branches, and raise serious concerns about whether the Court has embarked on a program of judicial activism under the rubric of protecting State sovereignty.

Let me start where I left off a year ago, with the trio of 5–4 decisions that ended the Court's last Term. In the Florida Prepaid case, the Court held that the States could no longer be held liable for infringing a Federal patent. In the College Savings Bank case, the Court held that the States could no longer be held liable for violating the Federal law against false advertising. And in Alden v. Maine, the Court held that the States could no longer be held liable for violating the Federally-protected right of their employees to get paid for overtime work.

These decisions were sweeping in their breadth. They allowed special immunities not just to essential organs of State government, but also to a wide-range of State-funded or State-controlled entities and commercial ventures. They tilted the playing field by leaving institutions like the University of California entitled to benefit from Federal intellectual property laws, but immune from enforcement if they violate those same laws. They were also startling in their reasoning, casting aside the text of the Constitution, inferring broad immunities from abstract generalizations about federalism, and second-guessing Congress' reasoned judgment about the need for national remedial legislation.

When I discussed these decisions last year, I warned that they could endanger a wide range of other Federally-protected rights, including rights to a minimum wage, rights against certain

forms of discrimination, and whatever rights we might one day provide to health coverage. This year's crop of 5-to-4 decisions continued the trend toward restricting individual rights and diminishing the authority of Congress to act on behalf of all Americans in favor of protecting State prerogatives.

The predictions I made last year have unfortunately come to pass with this year's Supreme Court decisions. In Kimel v. Florida Board of Regents, the Court held that State employees are not protected by the Federal law banning age discrimination, notwithstanding Congress' clearly expressed intent. Five members of the Court decided that age discrimination protections applied to the States were unnecessary. The Congress and the American people had it wrong when we concluded that age discrimination by State employers was a problem that needed a solution. None of those five Justices sat in on the hearings that Congress held 30 years ago, they did not hear the victims of age discrimination describe their experiences, but they nonetheless decided they knew better than Congress did. Justice Thomas wrote separately to say that he was prepared to go even further and make it even harder for Congress to apply anti-discrimination laws to the States.

The Kimel decision could spell trouble for all sorts of Federal laws, including other laws prohibiting discrimination in the workplace and regulating wages and hours and health and safety standards. The Supreme Court majority has now told us, after the fact, that we in Congress have to ''build a record,'' like an administrative agency, before they will allow us to protect State employees from discrimination, but it has not made it entirely clear just how many victims of discrimination have to come before us and testify before it will allow us to give them legislative protection.

The signs, however, are ominous: the week after it decided Kimel, the Court vacated two lower court decisions holding that States must abide by the Equal Pay Act, calling into question the ability of Congress to offer State employees protection from sex discrimination. Next Term, in University of Alabama v. Garrett, the Court will decide whether States can be held liable for discriminating against employees with disabilities. That plaintiff in Garrett is a State employee—a nurse at the University of Alabama—who was diagnosed with breast cancer, and was demoted after taking sick leave to undergo surgery and chemotherapy.

The second blow this Term to congressional authority was United States v. Morrison, which struck down a portion of the Violence Against Women Act that provides a Federal remedy for victims of sexual assault and violence. The Violence Against Women Act had been our measured response to the horrifying effects of violence on women's lives nationwide, not only on their physical well-being but also on their ability to carry on their lives and their jobs as they are driven into hiding by stalking and prevented from going out at night in some areas by fear of rape. After hearing a mountain of evidence detailing the impact of violence on women's lives and interstate commerce, I was proud to work with Senator BIDEN, Senator HATCH, Senator KENNEDY and others in an overwhelming bipartisan consensus in 1994 to enact VAWA.

But the five-Justice majority was unimpressed with the evidence, and with the common-sense point that violence affects women's lives, including their participation in commerce. Relying once again on abstract notions of federalism, the Court decided that violence against women does not affect interstate commerce enough, or rather, it affects interstate commerce, but in the wrong sort of way, so Congress has no business protecting American women from violence. One Justice said he would cut even more into Congress' power, saying we had very little business doing much of what we had done throughout the 20th century. Frankly, I do not want to see us turn back, in the 21st century, to a 19th century view.

What made this latest ''federalism'' decision all the more remarkable is that the vast majority of the States, whose rights the Court's ''federalism'' decision are supposed to protect, had urged the Court to uphold the VAWA Federal remedy.

The Kimel and Morrison decisions are troubling, both for what they do to the rights of ordinary Americans, and for what they say about the relationship between Congress and the present majority of the Supreme Court. State's rights and individual rights are both essential to our constitutional scheme, and the Court has a constitutional duty to prevent the Congress from encroaching on them. I have spoken before about the need to restrain the congressional impulse to federalize more local crimes. There are significant policy downsides to such federalization, however, that do not apply in other areas, where each American, no matter what State he or she lives in, should have the same rights and protections.

The legislative judgments we make that are reflected in the laws we pass deserve more respect than the Rehnquist Court has shown. It is troubling when five unelected Justices repeatedly second-guess our collective judgments as to whether discrimination and violence against women and other major social problems are serious enough, or affect commerce in the right sort of way, to merit a legislative response.

It is even more troubling when a Justice steps out of his judicial role, and beyond the judgment calls inherent in individual cases, to express a generalized disdain for the legislative branch. Yet, that is precisely what Justice Scalia did in a recent speech, in which he suggested that the oath to uphold the Constitution that each of us takes counts for nothing, and that Acts of Congress should be stripped of their traditional presumption of constitutionality. Justice Scalia is as free as the next citizen to express his mind, but that sort of open disrespect for Congress coming from a sitting Supreme Court Justice bodes ill for democracy, and for the delicate balance of power between the Congress, the President and the courts on which our Constitution rests.

I am also fearful that Justice Scalia's remarks are becoming a rallying cry for Federal judges around the country who are hostile to Congress and to some of our efforts to protect ordinary people from discrimination, from violence, from invasions of privacy and violations of civil liberties, and from environmental and other health hazards. The Federal appeals court in Richmond, Virginia—the Fourth Circuit—has the dubious honor of leading this charge with radical new legal theories that cut back on Federal power and individual rights.

In January, the Supreme Court unanimously reversed a Fourth Circuit decision invalidating a Federal law that prohibits States from disclosing personal information from motor vehicle records. The Fourth Circuit had held that this common-sense privacy law violated abstract notions of federalism. As we have seen, it takes a lot to outdo the present Supreme Court in raising abstract federalism principles over individual rights.

Also in January, the Supreme Court overwhelmingly rejected the Fourth Circuit's reasoning in a case involving citizen ''standing'' in Federal court to sue polluters who violate our environmental laws. The Fourth Circuit decision had sharply limited the ability of citizens to sue polluters and win civil penalties. The Supreme Court reversed that decision by a 7–2 vote, with Justice Scalia and Justice Thomas dissenting.

The Fourth Circuit is even more consistently hostile to civil rights in matters of criminal law and civil liberties. In death penalty cases, for example, it seems to have embraced a doctrine of State infallibility. An article in the American Lawyer last month reported that:

> While condemned inmates' rates of at least partial success in Federal habeas corpus actions run at close to 40 percent nationally, the rate in the 4th Circuit since October 1995 has been a cool 0 percent, with more than 80 consecutive convictions having been upheld.

In May, a unanimous Supreme Court, a Court that itself espouses the general belief that the rights of capital defendants are best protected by the State justice system that seeks to execute them, overturned two Fourth Circuit decisions that denied habeas corpus relief to death row inmates who had been sentenced to death on the basis of grossly unfair procedures.

Just last month, the Fourth Circuit lost its bid to overturn the Supreme

Court's landmark decision in Miranda v. Arizona. The Fourth Circuit's notion that it had the right to overturn a longstanding Supreme Court precedent was unorthodox, to say the least. By a 7–2 vote, in which Justices Scalia and Thomas dissented again, the Court reaffirmed the 34-year-old precedent that requires the police to inform suspects of their right to remain silent.

What we are seeing in the Fourth Circuit is unparalleled, but not unrivaled. Other Federal courts across the country are also embracing Justice Scalia's ''no-deference'' philosophy and busily redefining the relationship of the judiciary to the other branches of government. The D.C. Circuit departed from a half century of Supreme Court separation-of-powers jurisprudence to strike down air quality standards established by the EPA under the Clean Air Act, a crucial statute passed during the Nixon administration that has improved the air we breath for the last three decades. Meanwhile, in a striking throw-back to the Lochner era of economic libertarian ''natural law'' theory, the Federal Circuit has adopted an unusually expansive reading of the Takings Clause that threatens to undermine basic environmental protections that Congress has established. Likewise, Federal district courts in Texas have recently rendered radical decisions, limiting the Federal Government's authority to enforce basic food safety standards.

Republican detractors of the Ninth Circuit often refer to that court's high reversal rate in the Supreme Court. But about half of the Ninth Circuit decisions that the Supreme Court reversed this year were written by Reagan and Bush appointees. Moreover, set against the reversal record of other circuits, the Ninth Circuit, which has the largest caseload of all the Federal appeals courts, looks about average. Courts with half or a third of the caseload of the Ninth Circuit have more than their share of reversals. The Fourth Circuit was reversed five times this year, as was the Fifth Circuit. The overwhelmingly Republican-appointed judges of the Seventh Circuit were reversed in five out of seven cases this year.

I have spoken at some length about this growing trend of judicial decisions second-guessing the congressional judgments embodied in laws that apply to the States because I am deeply concerned about what they mean for the relationship between the judicial and the legislative branches and for our democracy. When a Supreme Court Justice, one held up by some of my Republican friends as a paragon of judicial restraint, declares that no deference, no respect, is owed to the democratic decisions of Congress, Americans should be concerned.

We here in the Senate have a responsibility to safeguard democratic values. That does not mean that we should be strident, or disrespectful; we should always cherish judicial independence even when we dislike the results. We should, however, defend vigorously our democratic role as the peoples' elected representatives. When we see bipartisan policies, supported by a vast majority of the American people, being overturned time and time again on the basis of abstract notions of federalism, it is our right, and our duty, to voice our concerns. And when the rights of ordinary Americans are defeated by technicalities in the courts and by abstract notions of ''State's rights'' that the States themselves do not support, it is our responsibility to work together to find new ways to protect them.

I have tried to do that. A year ago, I voiced my concerns about the Supreme Court's 1999 State sovereign immunity decisions, as did some of my colleagues, including Senator BIDEN and Senator SPECTER. I warned then of their potential impacts on the civil rights of American workers. As we have seen, my fears became a disturbing reality in the Kimel case. I have also tried to begin work on restoring the integrity of our national intellectual property system, in the Intellectual Property Protection Restoration Act, S. 1835, a bill I introduced last October. That bill would restore intellectual property protections while meeting all the Court's constitutional objections, however questionable they are. I am delighted that a subcommittee of the House Judiciary Committee held a hearing today to explore ways to undo the damage done to our intellectual property system by the Court's 1999 decisions. I hope that the Senate Judiciary Committee will consider and act on this important issue, which it has ignored all year.

These are issues we should all be working on together. Republicans and Democrats can agree on the importance of protecting civil rights, intellectual property rights, privacy and other rights of ordinary Americans that recent doctrinaire judicial decisions have impaired. We can also agree on the importance of protecting Congress as an institution from repeated judicial second-guessing of policy judgments on matters that affect the States.

It is important for Congress, as an institution, to focus on making our relationship with the Federal judiciary a more constructive and mutually respectful one. Here in the Senate, where the Constitution requires us to give our ''advice and consent'' on judicial nominations, we have a special responsibility in this regard, a responsibility to protect both democratic values and judicial independence. The disgraceful manner in which the Senate has treated judicial nominees does not help and may be a factor in the current breakdown of respect between the legislative and judicial branches.

Too often, judicial nominees have been put through a litmus test by my Republican colleagues to determine whether they will engage in ''liberal judicial activism.'' In fact, I cannot remember a recent judicial nomination hearing in which one of my Republican friends has not made a speech about ''liberal activist judges.'' Strangely, however, hardly a mention is made of traditional judicial activism—striking down democratically-adopted laws with which one happens to disagree based on abstract principles with no basis in the Constitution, as the Supreme Court did in the age discrimination case, or overturning the longstanding precedent of a higher court, as the Fourth Circuit did in the Miranda case. Nor do my colleagues seem troubled by Justice Scalia's disdain for Congress. But I know that my Republican friends are very concerned about ''liberal judicial activism.'' The terms of this test change depending on the circumstances.

From what I can gather, the easiest way to spot ''liberal judicial activists'' is by the company they keep. You might call it the ''activist by association'' principle. Over the last few years, several outstanding judicial nominees have come under attack simply because, as young lawyers out of law school, they clerked for Supreme Court Justice William Brennan. These nominees were tarred as potential activists not because of anything they had done, but because of their one-year association with a distinguished and respected member of the United States Supreme Court. This test is applied only to delay or oppose nominees—clerking for a conservative justice like Chief Justice Rehnquist has not helped Allen Snyder, a nominee to a vacancy on the D.C. Circuit who has been held up in Committee for months. Maybe someone should send a warning to the students at the Nation's top law schools that the Senate has become so partisan that clerking for the Supreme Court can damage your career.

Other nominees were challenged because of their association with legal organizations such as the American Civil Liberties Union and the Woman's Legal Defense Fund or for contributing time to pro bono activities. Maybe we should publish a list of groups you cannot associate with, and of rights and liberties you cannot work to protect in your private life, if you want to be a Federal judge.

How else can we tell if a nominee will be a ''liberal judicial activist''? In the case of Margaret Morrow, it was unfounded allegations that she was skeptical toward California voter initiatives. With respect to Marsha Berzon we were told that she would be an activist judge because she had been an ''aggressive'' advocate for her client, the AFL–CIO. Maybe we should advise lawyers in private practice who would like to be judges to be less vigorous in pursuing their clients' interests. Of course, since their confirmations neither of these nominees has been cited to be anything other than an outstanding judge.

Then there is the old-fashioned litmus test. As a member of the Missouri

Supreme Court, Justice White had committed the heresy of voting to reverse death sentences in some cases for serious legal error. No matter that Justice White voted to uphold the imposition of the death penalty 41 times. No matter that other members of the Missouri Supreme Court, including members of the Court appointed by Republican governors, had similar voting records and more often than not agreed with Justice White, both when he voted to uphold the death penalty and when he joined with a majority of that Court to reverse and remand such cases for resentencing or a new trial. Maybe someone should have advised Justice White to follow the Fourth Circuit model and bat a thousand for the State in death penalty cases, regardless of the evidence.

Another litmus test that has been dressed up as a sign of ''liberal judicial activism'': The nominee's willingness to enforce Roe v. Wade, the Supreme Court's landmark abortion decision. I confess to some confusion as to how a nominee for a lower Federal court could be faulted for promising to adhere to established Supreme Court precedent. Whether you agree with Roe or not, it is, after all, the law of the land. But maybe someone should advise lower court judges to follow the lead of the Fourth Circuit in the Miranda case and disregard Supreme Court precedent.

We need to get away from rhetoric and litmus tests, and focus on rebuilding a constructive relationship between Congress and the courts. We need balance and moderation that respects the democratic will and the weight of precedent. We do not need partisan delays by anonymous Senators because a nominee clerked for Justice Brennan or contributed to the legal services organization. We do not need our Federal courts further packed for ideological purity. We do not need nominees put on hold for years, as this Republican Senate has done, while we screen them for their Republican sympathies and associations.

Mr. President, I ask unanimous consent to have printed in the RECORD three recent articles about the Supreme Court's jurisprudential counterrevolution, by Professor Larry Kramer of the New York University School of Law; Professor David Cole of Georgetown University Law Center; and John Echeverria, Director of Environmental Policy Project at Georgetown University Law Center.

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

[From the Washington Post, May 23, 2000]

THE ARROGANCE OF THE COURT

(By Larry Kramer)

In 1994, after four years of very public debate, including testimony from hundreds of experts in dozens of hearings, Congress enacted the Violence Against Women Act. This month, a bare 5 to 4 majority of the Supreme Court brushed all that aside and struck the law down. Why? Not because Congress cannot regulate intrastate matters that ''affect'' interstate commerce. On the contrary, the majority agreed that this is permitted by the Constitution, reaffirming a long-standing point of law. But, the court said, whether the effects are ''substantial'' enough to warrant federal regulation ''is ultimately a judicial rather than a legislative question, and can be settled finally only by this Court.'' And the majority just was not persuaded.

This is an astonishing ruling from a court that professes to care about democratic majorities and respect the political process. The justices did much more in this decision than sweep the act off the books. Under a pretense of interpreting the Constitution, they declared that they have the final say about the expediency of an important, and potentially very large, class of federal laws: not just laws under the Commerce Power, which constitute the bulk of modern federal legislation, but many other laws as well. For the limits of all Congress's powers turn eventually on judgments about the need for federal action.

This is radical stuff. Previous courts have exercised aggressive judicial review, but never like this. Nothing in the Constitution's language or history supports letting the Supreme Court strike down laws just because it disagrees with Congress's assessment of how much they are needed. Except for a brief period in the 1930s when an earlier court tried to stop FDR's New Deal and was decisively repudiated, the court's role has always ended once it was clear that legislation was rationally related to the exercise of a constitutional power. As Alexander Hamilton observed back in 1792, rejecting the very same argument as that made by the court today, ''the degree in which a measure is necessary can never be a test of the legal right to adopt it.''

The Founding generation understood, in a way our generation seems to have forgotten, that judicial review must be contained or we lose the essence of self-government. They saw that, while courts have a vital role to play in protecting individuals and minorities from laws that trample their rights, Congress's decisions respecting the need to exercise its legislative power must otherwise be left to voters and elections. They foresaw that questions would arise over the limits of federal authority vis-a-vis the states. But, they said (over and over again), those battles must be waged in the political arena. And so they have been, until now.

What kind of government is it when five justices of the Supreme Court, appointed for life by presidents whose mandates expired long ago, can cavalierly override the decision of a democratically elected legislature not on the ground that it acted irrationally but because they do not like its reasoning? By what right do these judges claim the authority to second-guess what Justice Souter in dissent accurately described as a ''mountain of data'' based on nothing more than their contrary intuitions?

This is important. We have become way too complacent about letting the Supreme Court run our lives, and the current court has exploited this apathy to extend its authority to unheard of lengths. Everyone in the country should be incensed by this decision; not because the Violence Against Women Act was so wonderful or so necessary, but because deciding that it is not—and make no mistake, that is all the majority did—is none of the Supreme Court's business. Yet liberals will sit awkwardly by because they liked the judicial activism we got from the Warren court, though that court could not touch this one for activism. And, of course, conservatives will gleefully hold their tongues because they never much liked this law in the first place, and because they adore the court's new federalism (not to mention the chance to see liberals hoist by their own petard). In the meantime, only democratic government suffers. Ironies this thick would be comical were the stakes not so high.

The majority opinion is animated by a sense that the Framers of our Constitution never imagined the federal government enacting laws such as the violence act. I am sure they are right; the Framers would be astounded at the changes in society that have brought us to this juncture. But nowhere near as flabbergasted as they would be at the presumptuousness of five judges in casting aside the considered judgment of the national legislature for no better reasons than these—or at the complacency of the citizenry in the face of such outrageous conduct.

[From The Nation, June 12, 2000]

PAPER FEDERALISTS

(By David Cole)

When conservatives attack Supreme Court decisions (admittedly an increasingly rare event these days), they inevitably charge ''judicial activism.'' Miranda warnings, the right to abortion, the exclusionary rule—all are condemned for having been created by judges out of whole cloth, based on ''interpretations'' of the Constitution that are so unconstrained as to be entirely political.

When it comes to ''states' rights,'' however, conservatives sing a different tune. In the past few years, the conservative majority on the Supreme Court has launched a virtual revolution in constitutional jurisprudence, invalidating a host of federal laws on the ground that they violate the autonomy not of human beings but of states. The Court has revived the commerce clause as a limitation on federal power after some fifty-odd years of desuetude. It has found implicit in the Constitution a concept of ''state sovereign immunity'' that jeopardizes Congress's ability to require states to follow federal law. And it has divined from the ''spirit'' of the inscrutable Tenth Amendment a principle of state autonomy with little textual or historical basis. In doing these things, the Court's most conservative Justices—Rehnquist, Scalia, Kennedy, O'Connor and Thomas—have engaged in the very sort of open-ended, freewheeling constitutional interpretation that they excoriate liberals for indulging in on issues of individual rights.

This Court's activism on federalism begins with the commerce clause, which for most of our history has been the leading barometer of judicial attitudes toward the balance between state and federal power. In the early part of the twentieth century the Court frequently invoked the clause to strike down labor laws regulating minimum wages, maximum hours and working conditions. The Court reasoned that Congress could regulate only ''commerce,'' not manufacturing or production, although its actual animating principle was a commitment to laissez-faire capitalism.

During the New Deal, the Court abandoned this approach and acknowledged that in our increasingly national economy, the terms of production—such as wages, hours and working conditions—obviously affect interstate commerce. It ultimately interpreted the commerce clause to permit Congress to regulate any local activity that, aggregated nationally, might substantially affect interstate trade, a reading that largely took the judiciary out of the job of restraining Congress and relied on the political process to do so.

That's where things stood until 1995, when the Court struck down a federal law prohibiting the possession of guns near schools.

Then, on May 15, the Court invalidated the Violence Against Women Act, a federal law enabling victims of gender-motivated violence to sue their attackers. In both cases the Court held that Congress may not regulate local ''noneconomic'' activity. Neither gun possession nor gender-motivated violence is ''economic'' activity and must be left to the states to regulate. Congress's findings that violence against women reduces their ability to participate in the work force was insufficient to justify federal regulation. But if Congress has the power to regulate conduct where it ''affects'' interstate commerce, why should it matter whether the conduct itself is labeled ''economic'' or ''noneconomic''? The Court seems to have created a distinction every bit as artificial as the long-rejected line between production and commerce.

The Court's activism is even more pronounced in its treatment of ''state sovereign immunity,'' the doctrine that the sovereign—in this case a state—may not be sued. The Eleventh Amendment to the Constitution does recognize a very limited immunity that protects states from being sued by citizens of other states in federal court, at least for cases not based on federal law violations. But today's Court has ignored the explicit language of the amendment to create an expansive immunity that blocks virtually all private suites against states, in state or federal court, under state or federal law. As a result, state employees cannot sue their employer—anywhere—for blatant violations of federal laws, such as the Fair Labor Standards Act. The only exception to this state immunity is where Congress has authorized suits under the Fourteenth Amendment, but the Court has also sharply limited Congress' power to regulate states under that amendment.

A third arena for the states' rights revival is the Tenth Amendment. That provision has literally no substantive meaning. It states only that all powers not assigned to the federal government are reserved to the states or the people. The Court once dismissed it as ''a truism.'' But in recent years, the conservative majority has found in its ''spirit'' the authority to strike down federal statutes for requiring state officers to carry out even very minimal tasks in furtherance of a federal program, such as the Brady Bill's requirement that local sheriffs conduct brief background checks on would-be gun purchasers.

So why do states' rights issues drive conservative Justices to abandon their cherished principle of judicial restraint? There is undeniably a conservative cast to federalism in the United States. States' rights have nearly always been invoked in support of rightwing causes, from slavery to segregation to welfare devolution. But no one would seriously suggest that today's Court is using federalism as a cover to protect those who carry guns near schools or rape women.

What really drives the conservative Justices toward states' rights is their antipathy to individual rights. ''States' rights'' is itself something of an oxymoron; rights generally describe legal claims that people assert against government, not claims of governments. Protecting states' rights nearly always directly reduces protection for individual rights. The Court's sovereign immunity decisions bar individuals from suing states for violating their federal rights. And its commerce clause and Fourteenth Amendment decisions have reduced Congress's ability to create federal statutory rights for individuals in the first place.

The link between protecting the ''rights'' of states and disregarding those of individuals is illustrated even more clearly in the Rehnquist Court's treatment of habeas corpus and federal injunctions. The Court has consistently cited deference to the states to justify shrinking the rights of state prisoners to go to federal court for review of their constitutional claims. And it has grandly invoked ''Our Federalism'' to limit the ability of federal courts to oversee and enjoin police abuse against minorities.

Paradoxically, then, this Court is most activist in restricting its own power. The conservative Justices eagerly engage in open-ended constitutional interpretation when the result forecloses an avenue for rights protection but assail their liberal counterparts for doing so when the result is to recognize an individual right. As a result, states receive far more solicitude than individuals. But the opposite should be the case: The Court's highest calling is not the protection of regimes but of individuals who cannot obtain protection from the political process.

IT'S CONSERVATIVES NOW WHO ARE JUDICIAL ACTIVISTS: WHY ENVIRONMENTALISTS SHOULD BE ALARMED

(By John Echeverria)

Recent federal court decisions concerning our environmental laws cry out for a giant reality check on the recently renewed political debate about whether federal judges should be ''strict constructionists'' when it comes to deciding issues of constitutional law.

Governor George W. Bush last month revived a familiar GOP mantra when he declared that he would only appoint ''strict constructionists'' as opposed to ''judicial activists'' to the federal bench. This stance echoes similar statements by Bob Dole, the GOP standard bearer three years ago, as well as by paterfamilias George Bush I and the modern GOP's founding father, Ronald Reagan.

Governor Bush's political declaration has a kind of through-the-looking-glass quality all too familiar in modern American political life. While Bush and others on the political right decry judicial activism, in some arenas of constitutional law, particularly those affecting our environmental laws, it is GOP-appointed judges who are actually the most activist.

On the other hand, out of a habit of supporting an expansive approach to constitutional interpretation, which apparently served their ideological interests in the past befuddled democratic forces rise to the bait of defending the judiciary against charges of ''judicial activism'' even as their environmental protection gains, achieved through hard-fought battles in the political arena, are being taken away by GOP-appointed judicial activists.

Sensible conversation about the virtues and limitations of a ''strict constructionist'' approach to judicial interpretation calls in the first instances for an accurate understanding of how the federal bench is actually deciding real cases today.

In simplistic terms, a judge is said to be a ''strict constructionist'' if she resolves constitutional cases solely on the basis of the language and original understanding of the constitutional text. On the other hand, a judge who looks to other sources for interpretive assistance, such as some particular social or economic philosophy, is said to engage in judicial activism.

Governor Bush left undefined the specific rulings he thinks reflects judicial activism. But similar GOP pronouncements in the past honed in on the U.S. Supreme Court's expansion of the constitutional rights of the criminally accused under the leadership of Chief Justice Earl Warren in the 1950's and 60's.

Another favorite target has been the Court's decision in Roe v. Wade, which interpreted the Constitution to create a zone of privacy granting women the constitutional right to decide whether or not to terminate a pregnancy without state interference.

Whether or not these (now somewhat dated) judicial innovations can fairly be characterized as the product of an activist judiciary, it is undeniably true that the charge of judicial activism can, with at least equal fairness, be lodged against more recent judicial decisions that serve a so-called ''conservative'' 'philosophy.

This is particularly true in cases involving constitutional challenges to the authority of government to adopt and enforce environmental regulations. Consider the following examples.

Over the last decade, the U.S. Supreme Court has issued an unbroken string of decisions expanding public liability under the takings clause of the Fifth Amendment for environmental and land-use regulations that impinge on private property interests, undermining the ability of the government to adopt new environmental protection standards.

The takings clause states that ''private property [shall not] be taken for public use, without just compensation.'' According to leading scholars on all sides of the ideological spectrum, the available historical evidence unequivocally shows that the drafters of the Bill of Rights intended the clause to apply only to direct appropriations of private property, and never intended the clause to apply to regulations under any circumstances.

In its recent decisions, however, the Court has established the takings clause as a significant new constraint on environmental regulatory authority. From the standpoint of a principled strict constructionist, this direction in judicial thinking would be simply indefensible.

The same is true of recent Supreme Court decisions limiting citizens' right to sue to enforce federal health and environmental laws.

There is a general academic consensus that the drafters of the Constitution intended Congress to have broad power to grant private citizens the right to bring suits in their own names to enforce federal laws. Nevertheless, over the last decade the U.S. Supreme Court, led by Justice Antonin Scalia, has erected new barriers which citizens must cross to establish their right to bring suit to enforce environmental laws.

The Court's recent decisions for example, have severely undermined the Clean Water Act and the Endangered Species Act, and more particularly the role Congress intended for citizens in enforcing those laws, a result which principled advocate of a non-activist judiciary should supposedly abhor.

Conservatives living in glass houses might start a move toward a more sensible debate by refraining from hurling rocks in the direction of the federal judiciary. Or perhaps liberals may wish to rethink a strategy based on warding off rocks tossed by others, and may wish to consider hurling a few of their own.

Mr. LEAHY. Mr. President, I see my good friend from Utah on the floor. I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator from Vermont. I am looking forward to sharing some ice cream with him a little later today in response to his gracious invitation. I appreciate his courtesy.

THE ENERGY CRISIS

Mr. BENNETT. Mr. President, I recall a time very early in my career, not as a Senator but when I was involved here in Washington in support of a particular amendment that was being debated in the House of Representatives. I sat in the gallery in the House and listened to the debate and was somewhat startled when a Member of the House stood up and attacked the amendment as ''the General Motors amendment.''

He went on to thunder against big business in general, and General Motors specifically, and say: This amendment would take care of big business and it would hurt everybody else.

After it was over—and I can report gratefully that our side prevailed in that particular debate—one of his colleagues went to this particular Member of the House and said: What are you talking about when you are attacking General Motors on this amendment?

And the Member said: Well, when you don't have any substantive arguments, you are always safe in attacking General Motors.

That comes to mind because, as we talk about today's energy crisis, and the rising price of energy at the pump, there are those who are attacking big oil. I think they are a little like that former Member of the House. When your arguments don't have any substance, attack big oil and hope that the public will respond.

I want to talk today about why gasoline prices are so high and why a nameless political attack on big oil is not the answer. I do expect these attacks to continue. We are in an election year. There is at least one candidate for President who thinks, if he constantly attacks big oil, people will not pay attention to what is really going on. I want people to pay attention to what is really going on and focus on why we have energy problems in the United States.

I start with a memo dated June 5 of this year, sent to the Secretary of Energy, through the Deputy Secretary, from Melanie Kenderdine, who is the Acting Director of the Office of Policy in that Department.

She says a very startling thing. I must say, when I say startling, I am being sardonic about it. She says that it is due to high consumer demand and low inventories. What a great revelation—high demand and low supply is going to give us high energy prices. Of course it is.

I have said many times, and repeat here today, that one of the things I think should be engraved in stone around here for all of us to see every day is the statement: You cannot repeal the law of supply and demand.

We keep trying on this floor—we keep trying in the Government—to repeal the law of supply and demand and make prices and costs in the real economy respond to our legislative whims. But they do not. Prices respond to the law of supply and demand.

So this internal memo, from the Department of Energy, is interesting in that it says the real problem is that ''high consumer demand and low inventories have caused higher prices for all gasoline types. . . .''

But then it goes on to say there are other things that have exacerbated the problem, made it worse. These things are, in fact, legislative, or, in this case, regulatory actions taken within the Clinton-Gore administration in response to the constituency that Vice President GORE seeks to cultivate as he pursues his Presidential campaign.

It talks about, specifically:

> . . . an RFG formulation specific to the area that is more difficult to produce . . .

The ''area'' we are talking about here is the Midwest. We are talking about Chicago. We are talking about the State of Michigan. We are talking about the Midwest, where gasoline prices are currently over $2 a gallon.

These are regulatory actions—I will not read them all—that have been taken by the Clinton-Gore administration that have raised the price of gasoline simply by constricting further the supply. If we understand this, that we cannot repeal the law of supply and demand, if we understand that everything that has anything to do with constricting supply is going to drive up prices, we will begin to understand why we have runaway prices.

What can we do to increase supply? That is the answer. You don't have to be a Ph.D. to understand that. You don't have to be smart enough to go on ''Who Wants to be a Millionaire'' and name all of the foreign heads of state if you want to understand this. You have to understand the very basic principle. If we are going to bring gasoline prices down, we are going to have to increase supply.

As an aside, let me point out that this problem is not limited to gasoline prices alone. Americans are facing higher heating oil prices next winter. Americans are facing higher hot water prices from natural gas. For any source of energy, the price is going up. Why? Because the supply is not sufficient to meet the demand—economics 101.

Let us look at the sources of supply in this country and what the Clinton administration—under the prodding of Vice President GORE who is acknowledged to be the leader on this whole subject within the administration—has done to supply. Let's start with oil. What has happened to the supply of oil in the United States? We find that 56 percent of our oil comes from foreign sources now, which is up from 35 percent, the level when we faced the oil crisis in the 1970s. If we are going to decrease this dependence on foreign oil, we ought to increase the amount of supply in the United States. It is very simple. If we have oil in the United States, let's start pumping that oil to increase the supply.

What have we done since President Clinton has been in office? Under the prodding of Vice President GORE, when there was an opportunity to increase supply up in Alaska, this administration said, no, we will not allow you to do that. We passed legislation, both Houses of Congress, and sent it to the President, that would have increased supply, had more oil available in the United States. Under the prodding of Vice President GORE, the President said, no, we will not allow you to drill for oil in Alaska, even though there are indications there is as much oil up there as there is in Saudi Arabia, according to some reports. No, we will not allow you to increase that source of supply.

There are other sources of supply domestically. What about the Outer Continental Shelf? President Clinton said, no, you can't drill anymore, no more exploration on the Outer Continental Shelf until 2012. Vice President GORE, in his campaign, has pledged to stretch this prohibition perpetually. President Clinton says, we will prohibit you from doing it until 2012. Vice President GORE says that is not good enough; we will prohibit you from going further.

So they won't let us look for supply in Alaska. They won't let us look for supply on the Outer Continental Shelf. What about the Federal lands? Is there oil in the Federal lands? No, we won't let you drill. We won't let you explore in the Federal lands, even to find that out. So we are at the mercy of foreign sources of supply. This administration has determined to keep us at the mercy of foreign sources of supply when we are talking about oil.

Now let's talk about natural gas. The geologists say the United States has an almost unlimited supply of natural gas. Maybe it is all right for us not to increase the supply of oil, even though that is what is driving up the cost of gasoline at the pump, if we can provide our energy through natural gas. Federal lands in the Rocky Mountain West, where I come from, contain up to 137 trillion cubic feet of natural gas. But this administration has put those lands off limits for exploration. We cannot even find out how much is there. No, Vice President GORE says, we can't look for natural gas on Federal lands.

So what other sources of energy do we have? Well, one of the major sources of energy in my State is hydroelectric power coming from the Glen Canyon Dam. The Sierra Club has said: Let's tear down the Glen Canyon Dam. Let's take it down and eliminate that source of power supply altogether. The administration, to its credit, has said, no, we don't think that is such a good idea. But the Vice President, who has been endorsed by the Sierra Club, says he endorses their agenda, which raises the question, if he were to become President, would he in fact say, let us tear down the Glen Canyon Dam and thereby destroy that source of power? They have already suggested they want to study tearing down the dams on the lower Snake River, which produce hydroelectric power. Now, in this election

season, we have a statement out of the administration and the Vice President that says: We will not take down these dams now. We will not take these dams down in the short term. We will study it.

There are those who suggest that means we will wait until after the election, and then we will take down the dams. If, indeed, the dams are taken down, hydroelectric power goes away. Hydroelectric dams generate roughly 10 percent of this Nation's power.

So we can't drill for oil, we can't explore for natural gas, and we want to dismantle some of the hydroelectric power. What about nuclear power? That is where most of the power comes from in Europe and in many other countries that don't have the hydroelectric facilities we do.

On April 25 of this year, President Clinton vetoed legislation that would have allowed storage at Yucca Mountain of nuclear waste. Nuclear waste is building up at every nuclear facility in the United States. At some point we have to deal with it. The Congress thought it had dealt with it by creating Yucca Mountain. The President said, no, even though we have spent billions and billions of dollars preparing Yucca Mountain to receive this nuclear waste, we won't let it go there, thus jeopardizing the opportunity for this country to have a long-standing, long-going nuclear program.

All right. If we are not going to be able to handle nuclear power, if we can't drill for oil and oil power, if we can't explore for natural gas, and if we are trying to cut back on hydroelectric, where are we going to get the power? There are those who say, well, most of the power in this country comes from coal. Coal, of course, has a problem as far as the environment is concerned.

I am proud to report that we have in the State of Utah some of the best low-sulfur coal in the world, which, if burned, would have an enormous benefit for the environment. Just 4 years ago, President Clinton, with Vice President GORE clearly identified as the driving force behind the decision, shut down the possibility of ever using any of that coal from Utah when he created the Grand Staircase Escalante National Monument, using the Antiquities Act in a way it was never anticipated to be used, violating all aspects of consultation as required under NEPA, refusing to even admit to elected officials in the affected State that he was even thinking about it. The President, with a stroke of a pen, said, you can't use any of that low-sulfur, good-burning coal.

So you have to go to other kinds of coal. Fifty-five percent of our Nation's electricity is generated by coal, and 88 percent of the electricity in the Midwest comes from coal.

But now they are saying we must put controls and restrictions on coal and the activity with respect to coal—to the point we have seen the senior Senator from West Virginia, who represents a number of coal producers, demonstrate his concern with this administration.

So what is left, Mr. President? What is left to increase the supply? Well, you can't drill for oil. You can't explore for natural gas. You can't expand hydroelectric power. We hope to get that back. You can't use the coal. What is left? Prayer? I believe in prayer. But I also believe that the Lord prefers those who pray to him to do a little bit about it, to work at it. If I can go back again to the roots of my State, founded by the pioneers who came across the Plains, the story is told about a wagon train that got caught in a river. One of the leaders of the wagon train immediately dropped to his knees. The other fellow who was involved said, ''What are you doing?'' He said, ''I am praying.'' And the second man said, ''I said my prayers this morning. Get up and pull.''

I think if we are going to pray for divine assistance to help us increase the supply for energy in this country, we better get up and pull at the same time and recognize that saying no to the expansion of every single source of energy in this country in the name of appealing to an environmental community, as the Vice President has historically done, puts us in the position where we are going to have high energy prices for as far as the eye can see.

I hope as people address the question of why gasoline is over $2 a gallon in the Midwest today—and those high prices are spreading—and as people address the question of why fuel oil will be twice as much in the winter than it has historically been, as people address the question of why the natural gas prices are continuing to go up, they will understand that, once again, we cannot repeal the law of supply and demand. If we want to bring energy prices under control in this country, we ought to help the President and the Vice President understand that truth and say the only solution to high prices, Mr. President and Mr. Vice President, is increased supply for the demand that is built into our economy. As soon as they understand that and will work with this Congress to try to get increased supply in the various ways we have sent them legislation to do, we will then—and only then—begin to see these high prices come down.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

ENERGY AND WATER APPROPRIATIONS

Mr. DOMENICI. Mr. President, the energy and water bill on appropriations has been held up. I understand that the distinguished minority leader has an objection to it. I share with Senators the importance of that bill. I suggest, hopefully, that the minority leader rethink this because I do have some confidence that he is not exclusively interested in partisan politics, and that perhaps this very good bill on energy and water could be passed and sent to the President; although, my hopes are dwindling.

Essentially, one looks at the energy and water appropriations bill, and while I would devote some time to the energy crisis, which my friend spoke about eloquently, I will interrupt my comments to say this to the Senator: Incredibly, there is a position being formulated by the Vice President's campaign to claim that George W. Bush and Dick Cheney would be bad for American energy consumers. Isn't that a joke?

What is bad for American energy consumers, and the reason gasoline prices are so high, and natural gases are skyrocketing, and we are growing in dependence upon foreign countries for our very lifeblood, for without energy, we have no economy. Of late, we have decided it must be so clean that the only thing we are using in any increased abundance is natural gas. We are even shying away, in this administration, from clean coal technology. Did the Senator know that technology to clean up coal is being pushed down by this administration instead of up?

Mr. BENNETT. The Senator is correct. If I may make one other comment, the comment has been made that they want wind as the source. I have heard environmental groups have complained that they do not want windmills out on the prairies because they will damage the birds.

Mr. DOMENICI. Let me tell the Senator this: I asked this administration and I asked this Vice President to send to us what their great energy policy has been during the last 8 years. Every time we say there is none, they say they have got one, they have had one and we turned it down. I would love to see it. I would like to evaluate it and send it out to the energy people and ask them what would it have produced had we given more money to solar and wind than we did. How would that have had an impact on the consumers of America—paying this enormous price for gasoline, this enormous new price for natural gas?

Frankly, I say to my friend from Utah, if Americans don't know it—because we worry so much about Social Security and its future, Medicare and its future, what happens to this surplus, and what happens to the debt—probably the biggest challenge to the American way of life and our standard of living, driving automobiles and finding jobs and factories growing, is that we have no energy policy. And we are going to move slightly and slowly, because of this administration, into a position where we are not going to have enough energy to make America go, or it will be so high that Americans will wonder what in the world happened to us.

Do you know when that will be? That will be when our dependence on foreign sources of energy grows some more. Americans should know that over 50

percent of the crude oil and crude oil products this great Nation consumes comes from foreign countries, from the so-called cartel. It is not all Saudi Arabia. We have South American and Central American countries in there, too. But do you know what. They are not interested in America. They are interested in how much their oil will bring on the market to them. For a few years, they can sit back and say: America, America, when oil prices were $10 a barrel and you were hopping along and we were broke and we could not pay our debts and could not borrow money—one of the closest things to a financial crisis for Saudi Arabia, whether or not you like the sheiks—financial jeopardy was when oil prices dropped so low. We were thrilled. What do you think they are going to think when the oil prices finally get up where they are making a lot of money and America is crying for it? They are going to say: Where were you when oil prices got down below 10 and hovered around 10 while we cried?

Frankly, I believe if the Vice President's campaign decides that our wonderful ticket for President, because one comes from a mass oil-producing State, and he is proud of it—and the other one, after serving in the highest office in this country, is the president of a 100,000-person corporation that happens to be involved in seeing to it that we continue to get oil and gas in America by working down there in oil patch—frankly, I don't think we ought to assume that this attack makes any sense or that they will do it.

I think what we should do is we should attack Vice President GORE as being the mastermind, the promoter of a no energy policy for America, unless it is wind and solar, which all of us think is marvelous but clearly cannot help America through a crisis.

I thank the Senator for his comments. I know a lot about nuclear power. I am embarrassed for America that we are doing what we are doing on nuclear power. It is so scientifically unreal and untrue, as to the attacks on nuclear power, and it is a shame. The greatest country on Earth in engineering cannot take high-level fuel rods and move them a little bit across the country and put them somewhere for safekeeping. We can't do that. But 1 out of 25 American ships sails the seas, some with one nuclear powerplant—as they have over there in Pennsylvania. Some have one, some have two. They have sailed the seas since 1954. No more in America—except one in New Zealand that denies these ships with fuel rods safely on board access to their ports. There is no risk. There has never been an accident. Here we sit because a few Americans are frightened to death of radioactivity—low, high, or indifferent; just the word ''radioactive''—while they live in an radioactive environment on average. All of us are exposed to more low-level radiation than most of the things we are afraid of because there is plenty of it around. But because of them, we sit here and cannot find a way to help the State of Minnesota that has fuel rods sitting there from nuclear power which have been as safe as can be, and we can't get enough votes here to move them across the country. Yet those boats with it move all over the world. We sit here with a President—probably supported by the Vice President—who says no.

Look, if they like to talk about energy policy, I think we ought to just say: Mr. Vice President, the one thing you take into this campaign is that you have been part of an administration with as bad an energy policy as any because, as a matter of fact, you had none.

Mr. REID. Mr. President, will my friend yield for a brief question?

Mr. DOMENICI. I would be delighted. I know I said something implicitly about his State, but I didn't mean to.

Mr. REID. Mr. President, I want to ask my friend from New Mexico: Would George W. Bush think he would have a different policy and would allow the nuclear waste to go to Nevada?

Mr. DOMENICI. I don't know about that. We will build a short-term nuclear waste facility within 6 to 8 months of the next President, if he is a Republican, because it is totally safe. Whether they put it in Nevada or somewhere else, I don't know.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I want to say again, getting back to the energy and water bill, that I hope we can work something out on his issue, an issue that bothers some States on his side of the aisle, while on my side of the aisle, the Missouri Senators and the Mississippi Senators and others, have a different view. There is an amendment to this energy and water bill that attempts to solve that problem by not letting some amendments proceed with reference to a Corps of Engineers manual.

If this bill does not become law by October 1, I want to talk about a couple of things that will really be bad for some States, and certainly for my State will not be good.

In Pantex, TX, there are 2,800 employees; there are 7,300 at the Sandia National Laboratory; there are 3,000 in the Kansas City nuclear weapons plant. Moving over to water, the Army Corps of Engineers has 125,000 workers on 1,400 projects.

This is an important bill. I don't want to go up to October 1 and not have a bill and have to say to them that because somebody would not let us bring up our bill—which we could have done, which we could have gotten passed—we are now at October 1 and can't get anything passed. And we are playing a game of who did what to whom. Who keeps the Government open? Who closes it? We could have had this completed. We could have been in conference this weekend and be back from the convention with it finished. It could then go to the President and be signed. I don't go beyond just asking that the problem be eliminated.

I take Senator DASCHLE at his word. There is nothing to this other than he is concerned about protecting a couple of States. I am concerned about a couple of other States or more. I am concerned about keeping in law what has been in the law for at least two previous years.

I again thank the distinguished Senator from Utah for his comments.

I want to respond for a moment to a very good friend of mine from the other side of the aisle. I consider him a friend. For the most part, we run into each other on dairy issues. People do not know that New Mexico is a big dairy State. But clearly, the distinguished Senator, Mr. FEINGOLD, comes from a State with a lot of dairy cows. We frequently are on each other's side, or against each other, principally because that is a farming issue. But today, in some brief remarks, Senator FEINGOLD took his farming issues, and instead of being concerned about his State, got over into my State and into an issue that involves thousands of farmers in New Mexico.

The issue is that thousands of farmers in New Mexico are on a river that runs short of water in dry years. We are growing into a confrontation as to who owns the flow of the river in a dry year, and a silver minnow, which has been declared an endangered species, which they think currently resides in the extreme southern regions of the river close to the Texas border. Thousands of farmers use it to irrigate small and medium-sized farms, and there are a few large ones.

I hope, if the Senator's constituents, as he said, are concerned about this, they are concerned about the entire problem—the problem of cities that own water in a dry river basin, and the river basin is not always totally moist and running with water. What about the thousands of farmers who under our State law own the water? I think if he clearly understood that, he would say: I choose not to interfere in a contest between the minnows and thousands of farmers and maybe two cities or more. And maybe he would say: I wouldn't like Senator DOMENICI getting involved in that if that were my State situation. Though he is entitled to and can certainly come down here and do that, I hope maybe before doing it—or maybe even now—he would talk with us about the issue, which is a very interesting issue.

For the last 2½ weeks, I have been constantly in touch with the Secretary of Interior seeing what we could do to try to work this issue out. I have put on this energy and water bill something so that water will not be governed totally by a Solicitor General's opinion.

That is the issue. I contend it shouldn't be. We might be able to work that out soon because there are some very serious problems involved that ought to be worked out.

I thank Senator FEINGOLD for his consideration of issues that might affect my State. I think I have been concerned with his. I would truly like to talk to him about this subject because I don't believe it is as simple an issue as perhaps some of his endangered species constituents indicate in their request to him that he get involved in the issue of thousands of farmers in the State of New Mexico and whether they get water.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, I ask unanimous consent that following the 3:15 p.m. vote, Senator HELMS be recognized as if in morning business for up to 20 minutes, to be followed by Senator BRYAN for up to 20 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Mr. President, Senator DORGAN requested time. We would be happy to have Senator DORGAN go after Senator BRYAN. If there is a Republican who wishes to speak, we would be happy to insert that between Senators BRYAN and DORGAN. I ask unanimous consent that Senator DORGAN be recognized after Senators HELMS and BRYAN, and a Republican, if the majority wishes to have a speaker in there. Senator DORGAN wishes to speak for up to 40 minutes.

Mr. DOMENICI. Mr. President, I agree. I ask unanimous consent that each of the Republicans he has alluded to, if they desire to, be able to speak for up to 40 minutes. I don't think they will.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2001—CONFERENCE REPORT—Continued

Mr. REID. Mr. President, I ask for the yeas and nays on the conference report, Department of Defense appropriations.

The PRESIDING OFFICER (Mr. L. CHAFEE). Is there a sufficient second?

There is a sufficient second.

(The yeas and nays were ordered.)

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

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

Under the previous order, the clerk will report the conference report.

The assistant legislative clerk read as follows:

Conference report to accompany H.R. 4576, making appropriations for the Department of Defense for fiscal year ending September 30, 2001, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 9, as follows:

[Rollcall Vote No. 230 Leg.]

YEAS—91

Abraham	Fitzgerald	McConnell
Akaka	Frist	Mikulski
Ashcroft	Gorton	Miller
Baucus	Graham	Moynihan
Bayh	Grams	Murkowski
Bennett	Grassley	Murray
Biden	Gregg	Nickles
Bingaman	Harkin	Reed
Bond	Hatch	Reid
Breaux	Helms	Robb
Brownback	Hollings	Roberts
Bryan	Hutchinson	Rockefeller
Bunning	Hutchison	Roth
Burns	Inhofe	Santorum
Byrd	Inouye	Sarbanes
Campbell	Jeffords	Schumer
Chafee, L.	Johnson	Sessions
Cleland	Kennedy	Shelby
Cochran	Kerrey	Smith (NH)
Collins	Kerry	Smith (OR)
Conrad	Kohl	Snowe
Craig	Kyl	Specter
Crapo	Landrieu	Stevens
Daschle	Lautenberg	Thomas
DeWine	Leahy	Thompson
Dodd	Levin	Thurmond
Domenici	Lieberman	Torricelli
Dorgan	Lincoln	Warner
Durbin	Lott	Wyden
Edwards	Lugar	
Feinstein	Mack	

NAYS—9

Allard	Feingold	McCain
Boxer	Gramm	Voinovich
Enzi	Hagel	Wellstone

The conference report was agreed to.

CHANGE OF VOTE

Mr. SESSIONS. Mr. President, on rollcall vote 230, I voted no. It was my intention to vote yea. Therefore, I ask unanimous consent that I be permitted to change my vote since it will in no way change the outcome of the vote.

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

(The foregoing tally has been changed to reflect the above order.)

Mr. STEVENS. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

ORDER OF PROCEDURE

Mr. LOTT. Mr. President, I ask unanimous consent that notwithstanding rule XXII, the Senate immediately adopt the motion to proceed to H.R. 4733 and the cloture vote regarding the China PNTR immediately occur, and if cloture is invoked, the 30 hours postcloture not begin until the Senate resumes the motion in September.

The PRESIDING OFFICER. Is there an objection?

Without objection, it is so ordered.

Mr. LOTT. I further ask unanimous consent that notwithstanding rule XXII, at 6 p.m. on Tuesday, September 5, 2000, the Senate temporarily lay aside the China PNTR motion to proceed and begin consideration of the energy and water appropriations bill, and the consideration of these two measures continue throughout the week of September 4, 2000.

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

Mr. LOTT. I ask unanimous consent that just prior to the vote, the following Senators be recognized for the following times: BAUCUS for 5 minutes, HOLLINGS for 5 minutes, MOYNIHAN for 5 minutes, and ROTH for 5 minutes.

I further ask unanimous consent that the allotted morning business times ordered earlier today commence immediately following the rollcall vote, and the yet designated Republican slot be allocated to Senator BOB SMITH for up to 40 minutes.

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

Mr. LOTT. Let me explain, if I could, what just occurred.

We will have 15 to 20 minutes of time now that will be used for Senators to speak, those I just mentioned. That will be followed by the vote on the China PNTR motion to proceed. Then there will be a period of morning business time to follow that.

When we return in September, we will go during the day to the China PNTR debate. That will be laid aside at 6 o'clock, and we will do the energy and water appropriations bill. This is classically described as a double tracking. We will be doing the appropriations bill at night. I hope it won't take but a couple nights. It may take three. During the day, we will be debating the China PNTR.

I have assured Senators on both sides of the aisle that we are not going to shove this through. Senators who need time, Senators who want to offer amendments on the China trade bill are going to have the opportunity to do that. I think that is the right way to do it. We are not going to do it in the wee hours of the night. We are going to do it in the day. This is a major international trade agreement, and it needs to be done carefully and with thought. The Senate has a long tradition of acting carefully and with dignity when it comes to important matters of this nature. That is the way we are going to treat it when we return. There will be no rush to judgment, but I do think the responsible thing to do is to begin to make progress toward an eventual judgment.

I thank my colleagues, Senator DASCHLE and Senator BYRD, Senator HOLLINGS, Senator WELLSTONE and all, for their cooperation on this.

I yield the floor.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I thank the majority leader for announcing this arrangement. I thank my colleagues for their cooperation on this complicated but very understandable schedule. The majority leader has announced there will not be any cloture

motions filed or any rush to judgment on this issue. People will have the opportunity to offer amendments. I will work with our colleagues to assure they have that opportunity throughout the week, for whatever length of time it may take. I do hope perhaps we might be able to reach some agreement on time for these amendments, and my colleagues have assured me they are not averse to considering a time factor as we consider the order of these amendments.

As I understand it, that would then accommodate the opportunity for us to vote this afternoon. I would be interested if the majority leader could comment on when that vote might take place.

Mr. LOTT. If the Senator will yield, that is correct. I indicated there would be 15 or 20 minutes of statements by the four Senators who were identified before that vote. So I expect this vote will occur at approximately 4:30.

Mr. REID. If the Senator will yield, we have one Member who has to go to a funeral. The latest the plane leaves is at 4:30. I am wondering, under the unanimous consent that has already been entered, we have the four, and Senator WELLSTONE wishes to speak. Could we do it immediately after the vote? I am doing that for one of the Senators.

Mr. LOTT. We certainly can have time for statements after the vote. Even if the time that was included in the agreement was used, it would only be 20 minutes. We would be ready to begin voting at 4:15 or 4:20. We will have morning business time or we can arrange for Senators who wish to speak to speak right after the vote. I would be glad to accommodate that.

Mr. REID. May we add Senator WELLSTONE to that so there will be 25 minutes after the vote?

Mr. LOTT. The Senator is talking about having all of the statements made after the vote instead of before the vote.

Mr. REID. Otherwise people are missing airplanes.

Mr. LOTT. I have no objection to that, but part of the agreement was that these four would speak before the vote.

Let me suggest this: In view of the request that has been made, Mr. President, I will ask an additional unanimous consent request, if Senator DASCHLE will yield me the time to do this. I ask unanimous consent, of those Senators who wish to speak immediately before the vote, that they agree to speak immediately after the vote in the order that we read them, 5 minutes each, and that be followed by Senator HELMS for 5 minutes and Senator WELLSTONE for 5 minutes.

Mr. BYRD. Mr. President, reserving the right to object, what was in the agreement that was entered into?

Mr. LOTT. The agreement with regard to the vote this afternoon was that we would have the vote after statements by Senator BAUCUS, Senator HOLLINGS, Senator MOYNIHAN, and Senator ROTH for 5 minutes each. Then we would go to the vote. I have now asked unanimous consent to amend that to add that the speeches be made immediately following the vote and to include Senator HELMS and Senator WELLSTONE for 5 minutes. Those speeches would occur immediately following the vote.

Mr. FEINGOLD. Will the majority leader yield for a question?

Mr. LOTT. I am glad to yield to Senator FEINGOLD.

Mr. FEINGOLD. I want to clarify one point. What I understood from our agreement, what I believe was said was that there would be no cloture motion filed during the first week we are back on China PNTR; is that correct?

Mr. LOTT. Part of that agreement was that there would not be cloture during the first week of debate. I must say, I did not intend to do it that way.

Mr. FEINGOLD. No cloture motion filed during the first week?

Mr. LOTT. I will go ahead and make that commitment now. I won't file or have a vote that week. After all, it is going to be a short week, and we do have appropriations work to do. We will not file cloture the first week we are back on PNTR.

Mr. FEINGOLD. I thank the leader.

Mr. LOTT. Mr. President, did Senator BYRD wish further clarification?

Mr. BYRD. Mr. President, I was not on the floor when the agreement was entered into. I want to know what was entered into while I was not on the floor.

Mr. LOTT. Certainly, we want the Senator to have that information. I believe the Senator has it before him. If I could sum it up in laymen's language so the rest of us will understand it, we would have four speeches before the vote on the motion to proceed on China PNTR, to be followed by a vote on that motion to proceed; that we would then come back in on September 5. We would have debates on China PNTR during the day. At 6 o'clock on that Tuesday, we would turn to debate and action, perhaps, on the energy and water appropriations bill, and that we would continue the next day on China PNTR and continue that next Wednesday night on energy and water, if necessary. So, basically, it was to get a vote on this motion to proceed this afternoon, with some prior statements, and then we would work on debate on China PNTR during the day, as we should, and that we would double track and try to move these appropriations bills.

I know Senator BYRD wants us to do our work and wants our appropriations bills to be done. I would like to have an agreement beyond this, but it is progress. We will get back on the energy and water bill, which was the next bill in order. I believe Senator REID and Senator DOMENICI will finish that bill probably in a matter of hours.

Mr. DASCHLE. Mr. President, reclaiming the floor, let me add to the majority leader's comments by saying that I have indicated to him that we will work, if we cannot reach agreement on the Treasury-Postal, to take that up immediately following energy and water and other appropriations bills as well, keeping this order in line, the sequencing in line until we have accommodated the debate and votes on all of these remaining appropriations bills.

Mr. BYRD. Mr. President, I have had discussions with my own leader about PNTR and about getting on with appropriations bills. We had several discussions. I have had discussions with the minority leader's floor staff as to whether or not we could get back on those two appropriations bills, energy and water and Treasury-Postal Service. That was the reason why I wanted to know what had happened when I went off the floor, because I have had these several discussions. I had not finally agreed to this. The agreement that has been entered into, I had not finally agreed to that because I wanted some definite understandings about Treasury-Postal Service and energy and water before I agreed.

Mr. LOTT. If Senator BYRD will allow me to comment on that, this does get us started back on the appropriations bills, with energy and water. It will be my intent, as soon as that is completed, to try to move to another appropriations bill. I will have to consult with the chairman and the ranking member. We still have Treasury-Postal Service, Commerce-State-Justice, Housing and Urban Development, VA, and DC. I want to do them all as soon as we can so they can move on to conference. That is four bills we need to get done as soon as we can.

I will continue to try to move those, but it takes consent, or I have to file a cloture motion, which doesn't expedite the proceedings. But we will continue to work with Senator BYRD, Senator STEVENS, and Senator DASCHLE to try to move on to the other appropriations bills. It is pretty obvious by now that I am very committed to that.

Mr. BYRD. As I understand it, when we get back, we are going to operate daily on a double track, with PNTR on the first track and appropriations bills on the second track.

Mr. LOTT. Yes, daily.

Mr. BYRD. The two appropriations bills we are specifically talking about at the moment are energy and water and the Treasury-Postal Service.

Mr. LOTT. Yes.

Mr. BYRD. Those two. From there, we are going to try to move other appropriations bills as quickly as we can. I hope we do that. I hope we will push for that because I don't want to have the same old problems we have been having with appropriations bills; namely, to get down to conference and, at the last minute, Senators have plane reservations to go home and the administration comes in and is represented in the conference, and we have our backs to the walls and we end up

with one major bill, as we did in fiscal year 1999, with eight appropriations bills and one tax bill, a $9.2 billion tax bill—all on an unamendable conference report, and we don't know what it is all about, it has 3,980 pages in it, and we can't amend it.

That is a poor way to legislate. If the people of these United States knew what was going on here in that kind of a situation, they would run us all out, or they ought to. I just don't want to have that occur again.

Mr. LOTT. Mr. President, if Senator BYRD will give me the opportunity, I associate myself wholeheartedly with his remarks, and I would like my name to be followed right after his remarks on that subject. I agree with him. I have been through those experiences. They don't do the institutions any good. I think they do the people a disservice. I hope we can avoid that.

Mr. DASCHLE. If I may regain the floor, that is the whole idea behind the sequencing arrangement we are working on today. I think we have made some real progress in ensuring that we are going to take this up in an orderly way.

Mr. BYRD. Well, I will just add in the last moment here that we are almost at the complete mercy of the executive branch in situations such as that. The executive branch comes in and they want a bill or two added in the conference report, and I think we ought to avoid that. That is what I am trying to discourage here. I have no objection.

Mr. LOTT. I thank Senator BYRD.

Mr. President, I will withdraw my earlier unanimous consent request. In order to accommodate a Senator, and perhaps others, who are desirous of attending a funeral, we will move the comments to after this vote.

I ask unanimous consent that the speaking order after the vote be as follows under the same time constraints: Senator HELMS for 40 minutes, Senator BRYAN for 40 minutes, Senator BOB SMITH for 40 minutes, Senator DORGAN for 40 minutes, Senator ROTH for 5 minutes, Senator MOYNIHAN for 5 minutes, Senator HOLLINGS for 5 minutes, Senator BAUCUS for 5 minutes, and Senator WELLSTONE for 25 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. BAUCUS. Reserving the right to object, I am curious. Before, I was going to speak earlier in the line up. Now it is close to last. What happened?

Mr. LOTT. The other speeches by Senator HELMS, BRYAN, SMITH, and DORGAN were speeches that had already been ordered immediately after the vote. So what we are doing is we are adding those who want to speak with relation to China PNTR to that list.

Mr. BAUCUS. In an earlier request, I thought I heard my name at the top of the list.

Mr. LOTT. Under the earlier request, you did.

Mr. BAUCUS. I am asking what happened between then and now.

Mr. LOTT. Mr. President, let me modify my request to put Senator BAUCUS in the order after Senator DORGAN, to be followed by Senators ROTH, MOYNIHAN, and HOLLINGS.

The PRESIDING OFFICER. Is there objection to the modification of the unanimous consent agreement?

Without objection, it is so ordered.

ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2001—MOTION TO PROCEED

The PRESIDING OFFICER. The motion to proceed to the energy and water bill is agreed to.

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—MOTION TO PROCEED

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, the clerk will report the motion to invoke cloture.

The 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. 575, H.R. 4444, a bill to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China.

Trent Lott, Pat Roberts, Larry E. Craig, Christopher Bond, Chuck Grassley, Ted Stevens, Connie Mack, Orrin Hatch, Frank H. Murkowski, Wayne Allard, Kay Bailey Hutchison, Don Nickles, Bill Roth, Michael Crapo, Slade Gorton, and Craig Thomas.

Mr. BYRD. Mr. President, I will vote against the cloture motion to proceed to the China Permanent Normal Trade Relations bill.

The very nature of the discussions that have been taking place on the China PNTR issue demonstrates the complexity of trade, national security, democratic and economic issues that this nation faces in considering U.S.-China relations. One of my greatest concerns about the passage of PNTR for China is the very intensive scurrying to neatly package this deal as a ''win'' for America.

I will concede that, on one hand, supporters of the PNTR legislation can make legitimate claims that China has, indeed, stated that it is willing to cut its tariffs, to allow greater foreign investment, and to abide by a set of internationally approved trade rules. Certainly, the people of the United States of America embrace the hope that China and the Chinese people can enjoy a beneficial exchange of commerce. But, I am a devout believer in the principle of fair trade—I repeat fair trade—rather than the so-called free trade, and I must note that China's track record in adhering to agreements is much less than perfect.

I have little doubt that the vote today paves the way to rush to approve the PNTR measure without the deliberate, thoughtful consideration that this Congress should always provide. It has been years since this body gave U.S. trade policy the kind of consideration that we ought and that it certainly deserves. The Congress must not continue to neglect its duty to provide meaningful debate on U.S. trade policy that could plant the seeds of lasting, mutually beneficial trade relations with China.

But, I will save my concerns about the China PNTR issue for the actual debate. The debate today is simply on the motion to proceed. Nevertheless, all Senators should be put on notice that this vote is about allowing the Senate to begin a hasty consideration of one of the most economically important relationships of our time, which also has huge national security implications. U.S.-China relations deserve better consideration from the body charged by the Constitution, as outlined in Article I, Section 8, with regulating commerce with foreign nations.

Mrs. FEINSTEIN. Mr. President, I rise today to urge my colleagues to support the cloture motion on the motion to proceed to Senate consideration of Permanent Normal Trade Relations with China based on the bilateral trade agreement negotiated between our two nations this past November. Much is at stake in this vote.

In the bilateral agreement signed this past November China made significant market-opening concessions to the United States across virtually every economic sector. For example:

On U.S. priority agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January 2004 and industrial tariffs on U.S. products will fall from an average of 24.6 percent in 1997 to an average of 9.4 percent by 2005.

China will open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now averaging 80–100 percent, will be phased down to an average of 25 percent by 2006, with tariff reductions accelerated.

China will participate in the Information Technology Agreement and will eliminate tariffs on products such as computers, semiconductors, and related products by 2005.

China will open its telecommunications sector, including access to China's growing Internet services, and expand investment and other activities for financial services firms.

The agreement also preserves safeguards against dumping and other unfair trade practices. Specifically, the ''special safeguard rule'' (to prevent import surges into the U.S.) will remain in force for 12 years and the ''special anti-dumping methodology'' will remain in effect for 15 years.

America benefits by having China follow the rules and norms of the global marketplace.

By some estimates, China is already the world's seventh largest economy.

China's total worldwide trade grew from $21 billion in 1978 to over $324 billion in 1998. Trade makes up 33 percent of China's Gross Domestic Product (GDP), estimated at roughly one trillion dollars in 1998.

China is already America's fourth largest trading partner. U.S.-China two-way trade, less than $1 billion in 1978, was roughly $85 billion in 1998.

I would also like to take a few minutes to discuss why China's accession to the WTO is so important to California.

California is the nation's number one exporting State, and well over one-fourth of California's trillion dollar economy now depends on international trade and investment. For California workers and companies, this means jobs and improved export opportunities across a broad range of manufacturing, agricultural, and service industries.

For California, the growth of trade relations with China over the past two decades has been dramatic.

In 1998, China and Hong Kong together were California's fourth largest export destination, with exports topping $6.1 billion.

In 1998, while California's total exports declined 4.17 percent, due to the Asian financial crisis, our exports to China (not including Hong Kong) increased 9.28 percent.

One third of the total U.S. exports to China come from California; all told over 100,000 California jobs have been generated thus far by trade with China.

California's top exports to China look a lot like a list of new and emerging technologies fueling California's current economic boom: Electronic and electrical equipment; industrial equipment and computers; transportation equipment; and instruments.

And China is also an important market for the traditional mainstays of the California economy: China and Hong Kong in 1998 received 4.9 percent of California's food exports and 6.4 percent of our crop exports.

No matter how you look at it, this benefits the United States.

Unfortunately, many people have confused this PNTR vote with a vote to approve China joining the World Trade Organization (WTO). It needs to be understood, however, that China will likely join the WTO within the next year regardless. That issue will be decided by the WTO's working group and a two-thirds vote of the WTO membership as a whole.

Under WTO rules, only the countries that have ''non-discriminatory'' trade practices (PNTR) are entitled to receive the benefits of WTO agreements. Without granting China permanent normal trading status, the United States would be effectively shut out of China's vast markets, while Britain, Japan, France and all the other WTO-member nations would be allowed to trade with few barriers.

If we do not grant China PNTR based on the November bilateral agreement—an agreement in which the U.S. received many important trade concessions and gave up nothing—we effectively shoot ourselves in the foot.

Let us also be clear about the ultimate issue at stake here today: The People's Republic of China is today undergoing its most significant period of economic and social activity since its founding over 50 years ago. The pace is fast; the changes large. In a relatively short time, China has become a key Pacific Rim player and major world trader. It is now a huge producer and consumer of goods and services, and a magnet for investment and commerce.

Because of its size and potential, the choices China makes over the next few years will greatly influence the future of peace and prosperity in Asia. But, in a very real sense, the shaping of Asia's future also begins with choices America will make in deciding how to deal with China.

We can try to engage China and integrate it into the global community. We can be a catalyst for positive change, as our management styles, business techniques and the philosophies that underlie them take root in Chinese society.

We can work for change in China, as the benefits of trade and rising living standards bring about the goals we seek, or we can deal antagonistically with China and lose our leverage in guiding China along paths of positive economic and social development. And we can sacrifice business advantage to competitor nations.

History clearly shows us a nation's respect for political pluralism, human rights, labor rights, and environmental protection grows in direct proportion to that nation's positive interaction with others and as that nations achieves a level of sustainable economic development and social well-being. This was true in Taiwan; it was true in South Korea. Not too long ago, both were governed by dictatorships. Given a chance, it will also be true in China.

As I see it, America will face no challenge more important than this in the foreseeable future. I am convinced we will debate no issue more important than the question of China's entry into the World Trade Organization (WTO) and whether or not we will deal with the Chinese on the basis of a permanent normal trading relationship—PNTR—and I intend to speak to this issue at greater length when the Senate returns to work this September.

I urge my colleagues to support this cloture motion.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call is waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to the consideration of H.R. 4444, an act to authorize extension of nondiscriminatory treatment (normal trade relations treatment) to the People's Republic of China, and to establish a framework for relations between the United States and the People's Republic of China, shall be brought to a close?

The yeas and nays are required under the rule.

The clerk will call the roll.

Mr. NICKLES. I announce that the Senator from Tennessee (Mr. FRIST) and the Senator from New Mexico (Mr. DOMENICI) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the chamber desiring to vote?

The yeas and nays resulted—yeas 86, nays 12, as follows:

[Rollcall Vote No. 231 Leg.]

YEAS—86

Abraham	Feingold	Lugar
Akaka	Feinstein	Mack
Allard	Fitzgerald	McCain
Ashcroft	Gorton	McConnell
Baucus	Graham	Miller
Bayh	Gramm	Moynihan
Bennett	Grams	Murkowski
Biden	Grassley	Murray
Bingaman	Gregg	Nickles
Bond	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hatch	Robb
Brownback	Hutchinson	Roberts
Bryan	Hutchison	Rockefeller
Burns	Inouye	Roth
Chafee, L.	Jeffords	Santorum
Cleland	Johnson	Schumer
Cochran	Kennedy	Sessions
Collins	Kerrey	Shelby
Conrad	Kerry	Smith (OR)
Craig	Kohl	Snowe
Crapo	Kyl	Stevens
Daschle	Landrieu	Thomas
DeWine	Lautenberg	Thompson
Dodd	Leahy	Torricelli
Dorgan	Levin	Voinovich
Durbin	Lieberman	Warner
Edwards	Lincoln	Wyden
Enzi	Lott	

NAYS—12

Bunning	Hollings	Smith (NH)
Byrd	Inhofe	Specter
Campbell	Mikulski	Thurmond
Helms	Sarbanes	Wellstone

NOT VOTING—2

Domenici	Frist

The PRESIDING OFFICER (Mr. GORTON). On this vote the yeas are 86, the nays are 12. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized for up to 40 minutes.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to yield 5 minutes of my time to the distinguished Senator from Delaware and 1 or 2 minutes, whatever he needs, to the distinguished Senator from New York, without losing my right to the floor.

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

The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I thank the majority leader for starting the process of consideration of this historic legislation and I look forward to the debate in September. At that point, I intend to outline precisely how normalizing our trade relations with China is the single most significant step we can take in promoting the broad range of interests,

from national security to human rights, that the United States has in its relationship with China and Asia as a whole. For today, however, I do not intend debate abstractions. Instead, I am going to start where I always do when I am considering legislation. And, that is the simple question of whether normalizing trade with China is good for my constituents back home in Delaware. Delaware's exports to China in many product categories nearly doubled between 1993 and 1998. Delaware's trade with China now exceeds $70 million. The agreement reached with China as part of its accession to the WTO would mean dramatically lower tariffs on products critical to Delaware's economy.

The economy of southern Delaware, for example, depends on poultry. China is already the second leading market for American poultry products worldwide. Poultry producers in Delaware and elsewhere have built that market in the face of both quotas and high tariffs. Under the agreement with China, those quotas will now be eliminated and the tariffs will be cut in half, from 20 to 10 percent. In Delaware, chemicals and pharmaceuticals make up a significant share of my State's manufacturing base. In the chemical sector, China has agreed to eliminate quotas on chemical products by 2002 and will cut its tariffs on American chemical exports by more than one-half. Furthermore, there is not a day that I come to work that I do not remember that Delaware is also home to two automobile manufacturing plants, one Chrysler and one General Motors. In fact, I am told that Delaware has more auto workers per capita than any other State, including Michigan. As many of the auto workers in my State remember, I led the fight to ensure Chrysler's survival. And I remain one of the strongest supporters of the Chrysler and General Motors communities in Delaware.

Under the agreement with China, China has agreed to cut tariffs on automobiles by up to 70 percent and on auto parts by more than one-half. The agreement also ensures the ability of our automobile companies to sell direct to consumers, rather than through some state-owned marketing office, and the ability to finance those sales directly as they do here in the United States. I want to give each of you a website address where you can see the powerful positive effect this agreement will have on your state and on your constituents as well. You can find it at www.chinapntr.gov.

Beyond that, I want to emphasize two final points. The first thing I want every member of the Senate to understand is that China is going to become a member of the World Trade Organization whether we pass this bill or not. What this vote is about is whether American farmers, American businesses, and American workers—real working men and women back home in each of our states—will receive the benefits of an agreement that three Presidents from both parties have pursued with incredible dedication for 13 years. Or, will we reject this bill and see those benefits go instead to our European and Japanese competitors? Under the bilateral agreement reached this past November, China has agreed to open its markets farther than many of our other WTO trading partners even in the developed world. Indeed, to a remarkable extent, China seems willing to go farther faster on agricultural subsidies and services than even Japan and some of our European trading partners. And, the United States is likely to be the primary beneficiary of China's historic agreement to open its markets. Voting no on this motion means that American farmers, its manufacturers and its workers will suffer the consequences and face a dimmer economic future as a result.

The second point I want to make in closing has to do with the bill that came to us from the House. We have reviewed the bill in the Finance Committee and I want to emphasize my unequivocal support for the House bill. It preserves precisely what the Finance Committee hoped to do—which is ensure that American farmers, manufacturers, and service providers would gain access to the Chinese market under the terms negotiated this past November. Beyond that, the House bill strikes a reasonable balance in terms of Congress' ongoing scrutiny of China's record on human rights and labor standards. Indeed, in my view, the commission created by the House bill for those purposes offers more to our advocacy of human rights in China than any vote under the Jackson-Vanik amendment ever did or ever would. What that means is that, because benefits of normalizing our trade relations with China, and because there is now so little time left before the 106th Congress adjourns, I will intend to oppose all amendments to the bill. Thirteen members of the Finance Committee have joined me in that pledge and I know many others that have expressed the same view to the majority and minority leaders. With that, let me close by simply urging my colleagues to support the motion to proceed, and final passage when we return in September. Let's engage in the serious debate the bill deserves and let's take action as soon as possible to secure the benefits of the agreement for our farmers, manufacturers, and workers.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise to congratulate the chairman of the Finance Committee. This measure has now had its first test. It has passed overwhelmingly, 86–12.

We have trouble getting such votes on the Fourth of July celebrations.

Here is some sense of how epic this vote will be. At the Finance Committee's final hearing on China, on April 6, the former Chief Negotiator for Japan and Canada at the Office of the U.S. Trade Representative closed his testimony thus: ''this vote is one of an historic handful of Congressional votes since the end of World War II. Nothing that Members of Congress do this year or any other year could be more important.''

We are asking, pleading to leave this bill untouched. We want it to go out of this Chamber directly to the President at the White House where it will be signed. We do not want a conference. We do not want another vote on the House floor.

The majority leader promised that the Senate would begin its consideration of H.R. 4444, the legislation authorizing the extension of permanent normal trade relations, PNTR, to China before the August recess. He has kept his word. We owe great thanks as well to our esteemed minority leader, Senator DASCHLE, who has been tireless on this matter, and to our great Chairman, Senator ROTH, whose efforts have brought us to this day. Today's vote puts us on course to take up and pass this important legislation early in September.

I have no doubt that the measure will prevail—and by a wide margin. It comes to us following the decisive vote in the House of Representatives on May 24—over two months ago now—237 ayes, 197 noes. And it comes to the floor with the unequivocal endorsement of the Finance Committee: on May 17, the Finance Committee reported out a simple, 2-page bill—a straight-out authorization of PNTR. The vote was nearly unanimous, 19–1.

The House saw fit to add a few more provisions, which the Finance Committee studied in Executive Session on Wednesday, June 7. Our conclusion was that there is nothing objectionable in it.

The House added the package offered by Representatives LEVIN and BEREUTER. It includes an import surge mechanism to implement one of the provisions of the November 1999 U.S.-China agreement, fully consistent with existing law. It creates a human rights commission loosely modeled after the Commission on Security and Cooperation in Europe, the Helsinki Commission. And it authorizes appropriations to address China's compliance with its WTO commitments.

Nothing major. Nothing troubling. It was the nearly unanimous view of the Finance Committee that we ought simply to take up the House bill and pass it. And the sooner the better.

I will make two observations. First, with its accession to the WTO, China merely resumes the role that it played more than half a century ago. China was one of the 44 participants in the Bretton Woods Conference, July 1–22, 1944, and its representatives were seated on the executive boards of the World Bank and the International Monetary Fund when those two organizations came into being in 1946.

That same year, China was appointed to the Preparatory Committee of the

United Nations Conference on Trade and Employment, which was charged with drafting both the Charter for the International Trade Organization (ITO) and the General Agreement on Tariffs and Trade. China was one of the original 23 Contracting Parties of the GATT, which entered into force for China on May 22, 1948.

Following the establishment of the People's Republic of China, the Republic of China (Taiwan) notified the GATT on March 8, 1950 that it was terminating ''China's'' membership. Thirty-six years later, in 1986, China officially sought to rejoin the GATT, now the WTO. After 14 years of negotiations, it is now time.

My second broad observation is that the economic case for PNTR is unassailable. Ambassador Barshefsky negotiated an outstanding market access agreement: that much is not in dispute. It is a one-sided agreement: it was China, and not the United States, that had to make significant and wide-ranging market access commitments.

Once China becomes a member of the World Trade Organization—and China will become a WTO member with or without the support of the United States Congress—the concessions that China has agreed to in negotiations with the United States and other countries will be extended to all countries that enter into full WTO relations with China. This is simply a consequence of the operation of the ''normal trade relations'' principle—the old ''most-favored-nation'' principle, to use the 17th century term.

But until the United States grants China permanent normal trade relations, we will not be guaranteed the benefits that our own negotiators secured. This is because the process of annual renewal and review of China's trade status, conditioned as it is on freedom-of-emigration goals, violates the core principles of the WTO's General Agreement on Tariffs and Trade 1994, the General Agreement on Trade in Services and the Agreement on Trade-Related Aspects of Intellectual Property Rights—all of which require unconditional normal trade relations.

A vote in support of PNTR for China is not an endorsement of China's record on human rights. To be sure, there is much to be done. But the annual NTR review process has simply not provided us much leverage on human rights because the sanction is too extreme—the reimposition of the Smoot-Hawley tariff rates, that would choke off our trade with China— and has never been imposed.

The United States has extended our ''normal''—i.e. ''normal trade relations'' or NTR—tariff rates to China each year for the past 20 years. Since 1980. Without a break. This legislation simply recognizes that this long-standing policy will continue.

We will have a good debate when we return in September. And then I predict that the Senate will pass H.R. 4444 by an overwhelming margin, as we ought to do.

I again thank our dear friend from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to make my comments from my desk seated.

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

The Senator from North Carolina.

Mr. HELMS. I thank the Chair. Mr. President, I know some of the leaders in the business community around the country—particularly those who went to Shanghai last October to clink champagne glasses with China's dictators and help them celebrate the 50th anniversary of Chinese communism—these business leaders are eager for the Senate to deliver to them their year 2000 Holy Grail. It is called permanent normal trade relations with China, and I imagine there is a little bit of champagne flowing after this vote in the Senate. I say to them, just wait a little bit; maybe the American people will speak up a little more loudly than they have thus far.

These business leaders would have liked the Senate to take up this legislation right now and have a perfunctory debate with no amendments and just get it over with. They are convinced they are absolutely right, and I am convinced they are not necessarily right. Some of us, in any case, have some news for them: It is not going to happen.

I, for one, have just begun to discuss this issue, and there are other Senators who believe just as I do, that the legislation warrants a lengthy and thorough debate about Communist China.

We are not going to just debate and make a bunch of speeches before rubber stamping PNTR. We are going to have some votes. I have been working with several Senators on a series of amendments designed to ensure that before the Senate holds its final vote on PNTR, we will have voted on a gamut of issues that confront U.S.-China relations.

This is not just a China trade vote, as someone has attempted to cast it. Voting on whether or not to extend permanent normal trade relations to China will send a powerful message to Beijing and the world as to how the United States views the behavior of the Chinese regime. That is why we must have a full debate and votes on issues such as China's pitiful human rights record, China's brutal suppression of religious freedom, China's increasingly belligerent stance toward the democratic Chinese government on Taiwan, and China's unbroken record of violating agreements one after another, among other matters. You can't trust them.

I know there are some in this Senate who argue we must not offer any amendments to PNTR because that would send it back to the House and force that other Chamber to vote again on the legislation. Well, la-di-da.

I must confess, I find that argument interesting coming from the Democrat side of the aisle. Until recently, Senator after Senator on the opposite side of the aisle was coming down to the floor to fulminate against the majority leader for his efforts to expedite passage of appropriations bills by restricting the number of amendments that Senators can offer.

Now all of a sudden, when their party's President has legislation that he wants to be expedited by the Senate, the leadership on the other side has suddenly and miraculously been transformed into champions of speed and efficiency.

Let's hope they keep that spirit up when the Senate completes action on the appropriations bills this fall.

The fact is, there is simply no argument now for opposing commonsense amendments to PNTR. Before the House vote, supporters of PNTR were concerned that amendments would somehow endanger final passage of the legislation. Everyone thought the House vote would be razor thin and that requiring the House to vote again now, or a little later, would bring final passage into question.

But, in point of fact, PNTR passed in the House by quite a comfortable margin. There is simply no reason why the House could not pass it again with certain commonsense amendments inserted on this side of the aisle by the Senate, and that, Mr. President, is our duty.

I can imagine only one reason why Senators would oppose such commonsense amendments today. It is nothing but crass partisan politics. There is a desire to prevent House Members from having to vote again on PNTR because they fear such a vote is likely to antagonize some of the labor union forces right before the fall elections. There are those who do not want to remind big labor that even the Democratic Party is doing the bidding of corporate America now.

The partisan interests of either political party do not interest me one bit. What interests me is having a full debate and making certain that the Senate does not send a signal to Beijing that we are willing to look the other way at Communist China's belligerence toward Taiwan, Communist China's proliferation to rogue states, and Communist China's brutal abuses against their own people time and time again in pursuit of the almighty dollar.

I opposed the motion to proceed, but I must say I have been disturbed by the single-minded rush to get this vote over with. Since February, we have been barraged by Chicken Little pleas to move this legislation, as though the world will come to an end if Congress does not pass this bill this year. In all likelihood, China will not enter the World Trade Organization until next year at the earliest, and China can get PNTR only when China joins the World Trade Organization.

So what is the rush? I think I know the reason for that, and it is the most disturbing one to me. It was articulated by the distinguished minority

leader who recently admonished the Senate to expedite PNTR because the longer the Senate waits, the greater the chance is that an international incident of some sort could scuttle the legislation.

Let's ponder that just a little bit. To what kind of incident could the distinguished minority leader have been referring? Could it be he is concerned that China—you know that supposedly responsible reformist power with which we are trying to do business—might somehow cause an international incident by, say, doing business with somebody or launching an invasion of Taiwan or launching another Tiananmen Square-style crackdown in which they rode that tank over a protester, a crackdown that would live in the minds of a lot of people because it would be carried live by CNN on display for the entire world. They would show what a despicable bunch of thugs with which we are dealing in this matter.

It speaks volumes about the depths to which we have sunk when leading supporters of PNTR openly admit that they are desperate to lock in this transaction before our Communist Chinese business partners do something so unspeakable that the American people would resent our trying to do business with them.

That is why, if I have anything to do with it, we are not going to rush PNTR through the Senate. We are not going to rubber stamp the President's plan to reward the Chinese Communists. We are going to have a debate. We are going to have votes. And some of us, maybe more than 12 of us, are going to make clear to China's rulers that all Senators do not and will not endorse, let alone condone, their brutality.

I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the next speaker was to be the Senator from Nevada, Mr. BRYAN.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that I may go out of order since the Senator is not here.

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

Mr. HOLLINGS. I thank the distinguished Presiding Officer.

Mr. President, there is no question, as the Senator from Delaware and the Senator from New York have said—the chairman and ranking member—this is highly important, but for a different reason.

There is no question that we are going to have trade with China. The objection I have at this particular moment is with respect to the permanent nature of normal trade relations. I want to eliminate the permanence so we will have annual reviews to see exactly how our investments, our creation of jobs, our trade is coming along with respect to national security.

Tom Donohue, down at the Chamber of Commerce, says that it is going to create hundreds of thousands of jobs. I am willing to bet him—and he can name the odds and the amounts—that we are going to lose hundreds of thousands of jobs.

This is for an investment agreement in China, so that investments will flow to China and remain undisturbed by possible U.S. retaliation, protected by their joining in the WTO. And then, when we bring up various things to protect the security interests of the United States,—at the WTO level, Cuba votes us out because it has an equal vote.

The important point to remember, and President Clinton acknowledged at the very beginning of the summer and the PNTR consideration, although he could not understand it, was what he characterized as ''global anxiety.''

Let me tell him a little bit about that anxiety. Oneida Mills, in Andrews, SC, closed. They had 487 employees. Their average age was 47 years of age. The company moved to Mexico and their 478 employees were out of a job. And what does Washington tell them? They say: Reeducate. They almost sound like Mao Tse Tong. Reeducate, with high skills. Don't you understand, in the global competition you have to have high skills.

Tomorrow morning we have done just that. We have 487 high-skilled computer operators. Are you going to hire the 47-year-old computer operator or the 21-year-old computer operator? Those 487 are ''dead-lined.'' They are out of a job.

Earlier this week I checked the Bureau of Labor Statistics. Since NAFTA, we have lost 39,200 textile and apparel jobs alone in the little State of South Carolina.

Anxiety—there is justified anxiety across the Nation—where we have lost over 400,000 textile and apparel jobs since NAFTA, with the outflow of the industrial strength down south and over into the Pacific rim.

They do not understand globalization, says the President. They do not understand global competition. Global competition started back at the end of World War II under the Marshall Plan in 1945. We sent over the expertise, we sent over the machinery, and we sent over the money so they could have global competition.

Our southern Governors helped hasten along and expedite global competition 40 years ago. I traveled to Germany. We now have 116 German plants in the little State of South Carolina. So we know about global competition.

But what has really occurred—with the fall of the wall—is that 4 billion workers have entered the workforce of the world, willing to work for anything. With NAFTA and WTO, and the rise of the Internet, you can transfer your technology on a computer, you can transfer your finances on a satellite. With the Internet, you don't have to go to Mexico, you don't have to go to the Pacific rim; you can operate your plant from a New York office. That is a wonderful operation. As a result, as the Wall Street Journal said, this agreement is for investment in China and not in the United States.

There is global anxiety. There should be global anxiety. And we are trying to go and develop a competitive trade policy. Every country in Europe, every country in the Pacific rim has controlled trade, and we, as children, run around still babbling ''free trade, free trade,'' giving away our industrial strength.

We have come from that beginning, that at the end of World War II, 41 percent of our workforce was in manufacturing. Now it is down to 12 percent. And as Akio Morita, a founder of Sony, cautioned in a speech back in the 1980s: That a world power that loses its manufacturing capacity will cease to be a world power. And that is where we are. In Washington, we are not discussing paying the bill. They all say, ''pay down the debt,'' but the debt has gone up. I have the figures right here.

The debt has gone up exactly $12 billion. Here it is, the public debt to the penny, since the beginning of the fiscal year. There is not any surplus. And otherwise we need to understand the deficit and the balance of trade, where we do not have anything to export.

We have a $350 billion deficit in the balance of trade. And little Japan has out manufactured the great United States of America. As we waste our economic strength on spending over $175 billion a year more than we take in, as we have done, since President Lyndon Johnson last balanced the budget. We have drained the tub of industrial strength with this naive ''free trade, free trade, free trade.''

No. I am a competitor. I understand the global competition. We like the investments that we have. We like the global competition. But the United States has not begun to fight.

I would be glad to yield when I see someone come to the floor. I just hate to see this valuable time wasted.

I ask unanimous consent that I be able to continue until we see the next speaker.

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

Mr. HOLLINGS. I thank the distinguished Presiding Officer because I think I am going to get him to join me.

I have had a dynamic debate with the Senators from Washington for over 30-some years because they have Boeing, the outstanding export industry of the United States.

Now, they believe in controlled trade, as I do, because they use all the technology and research from our Department of Defense on the one hand, and they use the financing of the Export-Import Bank on the other hand. I believe in that Export-Import Bank, and the subsidization of the Boeing sales, because we have to meet the competition of Airbus. So I support that. But they should not come telling me about

free trade because we do not finance textile sales; we do not finance much textile research.

So we can look back to last December—a year ago—at the demonstration in Seattle. There was an anarchist group that came up from Eugene, OR, but I am talking about the responsible AFL-CIO demonstration there. That particular demonstration was led by the Boeing machinists—the premium single export industry in the United States. Why? Because much of that Boeing 777 is required to be made in China in order to sell in China. That is not free trade. That is requiring local content provisions.

So as they require it there, they require it otherwise in Europe. That is why we have tried, for 50 years, to set the example to have no subsidies, no tariffs, no content requirements, have absolutely free trade. The dynamic of the global competition is one of control for the security interests of the nations involved.

I believe if I was running Japan, I would do it the same way, or if I was running China. It works. In 10 years, they have gone from a $6 billion-plus balance of trade with the United States to $68 billion. They are cleaning our clock. With this particular PNTR, will we ever wake up? Our friend John F. Kennedy wrote the book ''While England Slept.'' I am tempted to write the book ''While America Slept.'' Kennedy's book was how the great British empire that brought Germany to its knees, the conqueror, the victor was brought to its knees by the vanquished. That is exactly what is happening to the United States of America. We are going the way of England.

They told the Brits at the end of World War II, they said: Don't worry, instead of a nation of brawn, you will be a nation of brains; instead of producing products, you will provide services, a service economy; instead of creating wealth, you will handle it and be a financial center. England has gone to hell in an economic hand basket. London is nothing more than an amusement park. Their army is not as big as our Marines, and they have lost their clout in world affairs. Money talks.

So not only are we losing our middle class—as Henry Ford said, ''I want to pay that worker enough to buy what he is producing,'' which helped begin not only the wonderful development of a middle class in America, the strength of our democracy—but our clout in international and foreign policy.

I thank the Chair for its indulgence. We will continue in September to try to get everyone's attention, so we can compete.

I yield the floor.

The PRESIDING OFFICER (Mr. SMITH of Oregon). The Senator from Maine.

Ms. COLLINS. 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. WELLSTONE. 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. WELLSTONE. Mr. President, I think Senator BRYAN is going to speak so I will take only 2 minutes.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, I may take more time later on tonight, but since it is not clear exactly how the schedule is going to proceed, let me thank Senator LOTT for his commitment to a good, thorough, substantive debate on whether or not we should or should not enter into a review of normal trade relations with China.

I could speak for many hours about this, but I will have a number of amendments. One of them will reflect the work of a very important religious group, the U.S. Commission on Religious Rights and Religious Freedom, which we will talk about, criteria that should be met, and focus on the right of people in China to practice their religion without persecution. Another will be a human rights amendment. Another will deal with prison labor conditions in China. Another will deal with the right of people to form unions in China. Finally, there will be a very important amendment for people to organize in our own country.

Part of what is going on here is the concern within this sort of broad international framework that quite often the message for people in this country is, if you organize, we are gone. We will go to China or another country and pay 12 cents an hour or 3 cents an hour. The message to people in these countries is, if you should dare to form a union, then you don't get the investment. I want to focus on the right to organize and labor law reform in our own country.

I am an internationalist. We are in an international economy. I do not want to see an embargo with China. We will trade with China. I do not want to have a cold war with China. I want to see better relations. I think the real question is what the terms of the trade will be, who will decide, who will benefit, and who will be asked to sacrifice. I hope this new global economy will be an economy that works, not only for large multinationals but for human rights, for religious rights, for the right of people to organize, for the environment, and for our wage earners. My amendments will be within that framework.

I yield the floor.

Mr. JEFFORDS. Mr. President, as we consider preceding to legislation to grant permanent normal trade relations to China, I would like to alert my Colleagues to an important development. It is my understanding that a frail, elderly Tibetan woman will soon see her only son, who is in prison in Tibet. My colleagues on the Finance Committee may remember my raising my deep concern over the case of Ngawang Choephel, a former Fulbright student at Middlebury College in Vermont who is serving an 18 year sentence in Tibet on charges of espionage. As we debate entering a new relationship with China, based on mutual commitments to adhere to an international set of principles and regulations, I was increasingly angered by the refusal of the Chinese government to grant Ngawang's mother, Sonam Dekyi, permission to visit him in prison, a right guaranteed her by Chinese law. I spoke out about this case during the Finance Committee's mark-up of this legislation.

I am pleased to inform my colleagues that thanks to the skillful intervention of the Chinese Ambassador, the Honorable Ambassador Li, Sonam Dekyi will soon be in Tibet for a rendezvous with her son. Many of my colleagues have expressed their support for Sonam Dekyi's request, and I want to make sure they are aware of the Chinese government's decision to allow this meeting. Sonam will be in Lhasa all next week, and we are hoping that she will be allowed several lengthy visits with her son. Because Sonam is in poor health and travel to Tibet is very difficult for her, we are hoping that her visits will be of appropriate length and quality. I will be happy to share with my colleagues Sonam's report of her visit upon her return to India.

I continue to be worried about the health of Ngawang Choephel, and I will continue my efforts to obtain his release. But at this moment I wish to express my appreciation to the Chinese Ambassador for helping to make this humanitarian mission happen. I know that many Vermonters share my joy at this development and my hope that this is indicative of further progress in matters of great concern to our two countries.

The PRESIDING OFFICER. The Senator from Nevada.

(The remarks of Mr. BRYAN pertaining to the introduction of S. 2963 are printed in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

The PRESIDING OFFICER. The Senator from Utah.

ADJOURNMENT OF THE TWO HOUSES OVER THE LABOR DAY HOLIDAY

Mr. HATCH. I ask unanimous consent that the Senate proceed to the immediate consideration of S. Con. Res. 132, the adjournment resolution, which is at the desk, which will provide for returning Tuesday, September 5, 2000.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 132) providing for a conditional adjournment or recess of the Senate and a conditional adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. HATCH. Mr. President, I ask unanimous consent that the resolution be agreed to and the motion to reconsider be laid upon the table.

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

The resolution (S. Con. Res. 132) was agreed to, as follows:

S. CON. RES. 132

Resolved by the Senate (the House of Representatives concurring), That, in consonance with section 132(a) of the Legislative Reorganization Act of 1946, when the Senate recesses or adjourns at the close of business on Thursday, July 27, 2000, Friday, July 28, 2000, or on Saturday, July 29, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, September 5, 2000, or until noon on Wednesday, September 6, 2000, or until such time on either day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the House adjourns on the legislative day of Thursday, July 27, 2000, or Friday, July 28, 2000, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2:00 p.m. on Wednesday, September 6, 2000, or until noon on the second day after Members are notified to reassemble pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Majority Leader of the Senate and the Speaker of the House, acting jointly after consultation with the Minority Leader of the Senate and the Minority Leader of the House, shall notify the Members of the Senate and House, respectively, to reassemble whenever, in their opinion, the public interest shall warrant it.

RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 684, S. 2869.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 2869) to protect religious liberty, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. HATCH. Mr. President, I rise today to thank the Senate in anticipation of its action in passing the Religious Land Use and Institutionalized Persons Act of 2000. I want to express my appreciation specifically to the lead cosponsor of this bill, Senator KENNEDY. He and I worked together almost 10 years ago in enacting the Religious Freedom Restoration Act. He has once again demonstrated his commitment to religious liberty by his leadership and effort on this measure.

I also express my appreciation to Senators THURMOND and REID. Both of these Senators had strong and serious concerns about portions of this bill but were willing to work with us to secure passage of this legislation because of their overriding commitment to religious freedom.

Our bill deals with just two areas where religious freedom has been threatened—land use regulation and persons in prisons, mental hospitals, nursing homes and similar institutions. Our bill will ensure that if a government action substantially burdens the exercise of religion in these two areas, the government must demonstrate that imposing the burden serves a compelling public interest and does so by the least restrictive means. In addition, with respect to land use regulation, the bill specifically prohibits various forms of religious discrimination and exclusion.

It is no secret that I would have preferred a broader bill than the one before us today. Recognizing, however, the hurdles facing passage of such a bill, supporters have correctly, in my view, agreed to move forward on this more limited, albeit critical, effort. The willingness of many serious and well-intentioned persons has brought us to this successful conclusion in the Senate today and likely swift action in the House of Representatives this fall.

I thank all persons involved in this effort. Numerous religious denominations have come together with other groups in the spirit of cooperation to form the Coalition for the Free Exercise of Religion. They have joined forces and concentrated their energy on this vital issue—I am grateful to all of them.

In conclusion, I thank the staff members who devoted so much of their time and who worked so hard to ensure the success of this bill. In particular, I would like to thank Eric George, my former counsel, Manus Cooney, my Chief Counsel, Sharon Prost, my Deputy Chief Counsel, and Sam Harkness, a law clerk for the Judiciary Committee. Their collective work has brought us to where we are today. Furthermore, I would like to express my gratitude to the staff of Senator KENNEDY; specifically, Melanie Barnes and David Sutphen, who were a pleasure to work with. Eddie Ayoob, from the office of Senator REID, also provided valuable assistance. Finally, I would like to thank the dedicated professionals at the Department of Justice who helped in the effort.

I ask unanimous consent that following my statement and that of Senator KENNEDY the following items be printed in the RECORD: A manager's statement consisting of a joint statement by myself and Senator KENNEDY; a letter received today from the administration in support of the bill; and several other letters of support.

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

(See exhibit 1.)

Mr. President, I commend Chairman CANADY of the House Judiciary Committee. I am hopeful that the other body can promptly—even this evening is a possibility—pass this bill. I know Congressman CANADY has and will continue to do everything he can do to enact this important legislation.

Cathy Cleaver of Chairman CANADY's staff has also been indispensable. I acknowledge her for her efforts.

I also thank Senators KENNEDY, REID, and THURMOND for their yeoman work on this bill. This is one of the most important bills of this new century, and it is one I am so pleased to be a part of in passing.

EXHIBIT 1

JOINT STATEMENT OF SENATOR HATCH AND SENATOR KENNEDY ON THE RELIGIOUS LAND USE AND INSTITUTIONALIZED PERSONS ACT OF 2000

SUMMARY AND PURPOSE

The Religious Land Use and Institutionalized Persons Act of 2000 (''This Act'') is a targeted bill that addresses the two frequently occurring burdens on religious liberty. The bill is based on three years of hearings—three hearings before the Senate Committee on the Judiciary and six before the House Subcommittee on the Constitution—that addressed in great detail both the need for legislation and the scope of Congressional power to enact such legislation.

The bill targets two areas: land use regulation, and persons in prisons, mental hospitals, and similar state institutions. Within those two target areas, the bill applies only to the extent that Congress has power to regulate under the Commerce Clause, the Spending Clause, or Section 5 of the Fourteenth Amendment. Within this scope of application, the bill applies the standard of the Religious Freedom Restoration Act, 42 U.S.C. §2000bb–1 (1994): if government substantially burdens the exercise of religion, it must demonstrate that imposing that burden on the claimant serves a compelling interest by the least restrictive means. In addition, with respect to land use regulation, the bill specifically prohibits various forms of religious discrimination and exclusion. Finally, the bill provides generally that when a claimant offers prima facie proof of a violation of the Free Exercise Clause, the burden of persuasion on most issues shifts to the government.

NEED FOR LEGISLATION

Land Use. The right to assemble for worship is at the very core of the free exercise of religion. Churches and synagogues cannot function without a physical space adequate to their needs and consistent with their theological requirements. The right to build, buy, or rent such a space is an indispensable adjunct of the core First Amendment right to assemble for religious purposes.

The hearing record compiled massive evidence that this right is frequently violated. Churches in general, and new, small, or unfamiliar churches in particular, are frequently discriminated against on the face of zoning codes and also in the highly individualized and discretionary processes of land use regulation. Zoning codes frequently exclude churches in places where they permit theaters, meeting halls, and other places where large groups of people assemble for secular purposes. Or the codes permit churches only with individualized permission from the zoning board, and zoning boards use that authority in discriminatory ways.

Sometimes, zoning board members or neighborhood residents explicitly offer race or religion as the reason to exclude a proposed church, especially in cases of black churches and Jewish shuls and synagogues. More often, discrimination lurks behind such vague and universally applicable reasons as traffic, aesthetics, or ''not consistent with the city's land use plan.'' Churches have

been excluded from residential zones because they generate too much traffic, and from commercial zones because they don't generate enough traffic. Churches have been denied the right to meet in rented storefronts, in abandoned schools, in converted funeral homes, theaters, and skating rinks—in all sorts of buildings that were permitted when they generated traffic for secular purposes.

The hearing record contains much evidence that these forms of discrimination are very widespread. Some of this evidence is statistical—from national surveys of cases, churches, zoning codes, and public attitudes. Some of it is anecdotal, with examples from all over the country. Some of it is testimony by witnesses with wide experience who say that the anecdotes are representative. This cumulative and mutually reinforcing evidence is summarized in the report of the House Committee on the Judiciary (House Rep. 106–219) at 18–24, in the testimony of Prof. Douglas Laycock to the Committee on the Judiciary 23–45 (Sept. 9, 1999), and in Douglas Laycock, State RFRAs and Land Use Regulation, 32 U.C. Davis L. Rev. 755, 769–83 (1999).

This discrimination against religious uses is a nationwide problem. It does not occur in every jurisdiction with land use authority, but it occurs in many such jurisdictions throughout the nation. Where it occurs, it is often covert. It is impossible to make separate findings about every jurisdiction, or to legislate in a way that reaches only those jurisdictions that are guilty.

Institutionalized Persons. Congress has long acted to protect the civil rights of institutionalized persons. Far more than any other Americans, persons residing in institutions are subject to the authority of one or a few local officials. Institutional residents' right to practice their faith is at the mercy of those running the institution, and their experience is very mixed. It is well known that prisoners often file frivolous claims; it is less well known that prison officials sometimes impose frivolous or arbitrary rules. Whether from indifference, ignorance, bigotry, or lack of resources, some institutions restrict religious liberty in egregious and unnecessary ways.

The House Subcommittee on the Constitution heard testimony to this effect from Charles Colson and Patrick Nolan of Prison Fellowship, and in great detail about violations of the rights of Jewish prisoners, from Isaac Jaroslawicz of the Aleph Institute. The Senate Committee on the Judiciary learned of examples in litigated cases: *Mockaitis* v. *Harcleroad*, 104 F.3d 1522 (9th Cir. 1997), in which jail authorities surreptitiously recorded the sacrament of confession between a prisoner and the Roman Catholic chaplain; *Sasnett* v. *Sullivan*, 197 F.3d 290 (7th Cir. 1999), in which a Wisconsin prison rule prevented prisoners from wearing religious jewelry such as crosses, on grounds that Judge Posner found discriminated against Protestants "without the ghost of a reason," *id.* at 292; and *McClellan* v. *Keen* (settled in the District of Colorado in 1994), in which authorities let a prisoner attend Episcopal worship services but forbade him to take communion. This Act can provide a remedy and a neutral forum for such cases if they fall within the reach of the Spending Clause or the Commerce Clause.

The compelling interest test is a standard that responds to facts and context. What the Judiciary Committee said about that standard in its report on RFRA is equally applicable to This Act:

"[T]he committee expects that courts will continue the tradition of giving due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and procedures to maintain good order, security and discipline, consistent with consideration of costs and limited resources.

"At the same time, however, inadequately formulated prison regulations and policies grounded on mere speculation, exaggerated fears, or post-hoc rationalizations will not suffice to meet the act's requirements." Senate Report 103–111 at 10 (1993).

The Prison Litigation Reform Act is working effectively to control frivolous prisoner litigation across the board, without barring meritorious claims equally with frivolous ones. The Department of Justice reports that RFRA "has not been an unreasonable burden to the Federal prison system," and that the federal Bureau of Prisons has experienced only 65 RFRA suits in six years, most of which also alleged other theories and would have been filed anyway. Letter of Robert Raben, Assistant Attorney General, to Senators HATCH and LEAHY (July 19, 2000). Other empirical studies also show that religious liberty claims are a very small percentage of all prisoner claims, that RFRA led to only a very slight increase in the number of such claims, and that on average RFRA claims were more meritorious than most prisoner claims. *See* Lee Boothby & Nicholas P. Miller, *Prisoner Claims for Religious Freedom and State RFRAs*, 32 U.C. Davis L. Rev. 573 (1999).

Constitutional Authority. The hearings also intensely examined Congress's constitutional authority to enact this bill in light of recent developments in Supreme Court federalism doctrine. Constitutional authority to enact an earlier and much broader bill is explained in the House Committee Report (No. 106–219) at 14–18, 27, and in the testimony of constitutional scholars to the Senate Committee on the Judiciary. See Statements of Prof. Douglas Laycock 8–23, 54–64 (Sept. 9, 1999); Prof. Jay Bybee (Sept. 9, 1999) (doubting some aspects of the broader bill then proposed, but expressing confidence that the land use provisions were constitutional); Prof. Michael McConnell (June 23, 1998); *See also* Thomas C. Berg, *The Constitutional Future of Religious Freedom Legislation*, 20 U. Ark. Little Rock L.J. 715 (1998).

Spending Clause. The Spending Clause provisions are modeled directly on similar provisions in other civil rights laws. Congressional power to attach germane conditions to federal spending has long been upheld. *South Dakota* v. *Dole*, 483 U.S. 203 (1987); *Steward Machine Co.* v. *Davis*, 301 U.S. 548 (1937). The bill's protections are properly confined to each federally assisted "program or activity," which is defined by incorporating a subset of the definition of the same phrase in Title VI of the Civil Rights Act of 1964. In most applications, this means the department that administers the challenged land use regulation or the department that administers the institution in which the claimant is housed.

Commerce Clause. The Commerce Clause provisions require proof of a "jurisdictional element which would ensure, through case-by-case inquiry, that the [burden on religious exercise] in question affects interstate commerce." *United States* v. *Lopez*, 514 U.S. 549, 561 (1995). The Gun Free Schools Act, struck down in *Lopez*, and the Violence Against Women Act, struck down in *United States* v. *Morrison*, 120 S.Ct. 1740 (2000), were invalid because they regulated non-economic activity and required no proof of such a jurisdictional element. *See id.* at 1750–51; *Lopez*, 514 U.S. at 561–62. But the Court assumes that if such a "jurisdictional element" is proved in each case, the aggregate of all such effects in individual cases will be a substantial effect on commerce. *Camps Newfound/Owatonna, Inc.* v. *Town of Harrison*, 520 U.S. 564, 586 (1997) ("although the summer camp involved in this case may have a relatively insignificant impact on the commerce of the entire Nation, the interstate commercial activities of nonprofit entities as a class are unquestionably significant"); *Lopez*, 514 U.S. at 559–60 (1995) (explaining how small volumes of home-grown wheat could, in the aggregate, substantially affect commerce).

The jurisdictional element in this bill is that, in each case, the burden on religious exercise, or removal of that burden, will affect interstate commerce. This will most commonly be proved by showing that the burden prevents a specific economic transaction in commerce, such as a construction project, purchase or rental of a building, or an interstate shipment of religious goods. The aggregate of all such transactions is obviously substantial, and this is confirmed by data presented to the House Subcommittee on the Constitution (testimony of Marc D Stern (June 16, 1998).

Fourteenth Amendment. The land use sections of the bill have a third constitutional base: they enforce the Free Exercise and Free Speech Clauses as interpreted by the Supreme Court. Congress may act to enforce the Constitution when it has "reason to believe that many of the laws affected by the congressional enactment have a significant likelihood of being unconstitutional." *City of Boerne* v. *Flores*, 521 U.S. 507, 532 (1997). The standard is not certainty, but "reason to believe" and "significant likelihood." This Act more than satisfies that standard—in two independent ways.

First, the bill satisfies the constitutional standard factually. The hearing record demonstrates a widespread practice of individualized decisions to grant or refuse permission to use property for religious purposes. These individualized assessments readily lend themselves to discrimination, and they also make it difficult to prove discrimination in any individual case. But the committees in each house have examined large numbers of cases, and the hearing record reveals a widespread pattern of discrimination against churches as compared to secular places of assembly, and of discrimination against small and unfamiliar denominations as compared to larger and more familiar ones. This factual record is itself sufficient to support prophylactic rules to simplify the enforcement of constitutional standards in land use regulation of churches.

Both the "General Rules" in §2(a)(1), and the specific provisions in §2(b), are proportionate and congruent responses to the problems documented in this factual record. The General Rule does not exempt religious uses from land use regulation; rather, it requires regulators to more fully justify substantial burdens on religious exercise. This duty of justification under a heightened standard of review is proportionate to the widespread discrimination and to the even more widespread individualized assessments, and it is directly responsive to the difficulty of proof in individual cases.

Second, and without regard to the factual record, the land use provisions of this bill satisfy the constitutional standard legally. Each subsection closely tracks the legal standards in one or more Supreme Court opinions, codifying those standards for greater visibility and easier enforceability.

The General Rules in §2(a)(1), requiring that substantial burdens on religious exercise be justified by a compelling interest, applies only to cases within the spending power or the commerce power, or to cases where government has authority to make individualized assessments of the proposed uses to which the property will be put. Where government makes such individualized assessments, permitting some uses and excluding others, it cannot exclude religious uses without compelling justification. *See Church of*

the Lukumi Babalu Aye, Inc. v. *City of Hialeah*, 508 U.S. 520, 537–38 (1993); *Employment Division* v. *Smith*, 494 U.S. 872, 884 (1990).

Sections 2(b)(1) and (2) prohibit various forms of discrimination against or among religious land uses. These sections enforce the Free Exercise Clause rule against laws that burden religion and are not neutral and generally applicable.

Section 2(b)(3), on exclusion or unreasonable limitation of religious uses, enforces the Free Speech Clause as interpreted in *Schad* v. *Borough of Mount Ephraim*, 425 U.S. 61 (1981), which held that a municipality cannot entirely exclude a category of first amendment activity. Moreover, the Court distinguished zoning laws that burden ''a protected liberty'' from those that burden only property rights; the former require far more constitutional justification. *Id.* at 68–69. Section 2(b)(3) enforces the right to assemble for worship or other religious exercise under the Free Exercise Clause, and the hybrid free speech and free exercise right to assemble for worship or other religious exercise under *Schad* and *Smith*.

Section 4(a) shifts the burden of persuasion in cases where the claimant shows a prima facie violation of the Free Exercise Clause. There are actual constitutional violations in a higher percentage of the set of cases in which the claimant offers such proof and government cannot rebut it; there is a substantial likelihood of a constitutional violation in every such case.

Other Constitutional Issues. The Act does not ''compel the States to enact or enforce a federal regulatory program.'' *Printz* v. *United States*, 521 U.S. 898, 935 (1997). It preempts certain laws and practices that discriminate against or substantially burden religious exercise, and it leaves all other policy choices to the states. The state may eliminate the discrimination or burden in any way it chooses, so long as the discrimination or substantial burden is actually eliminated.

The Act's protection for religious liberty does not violate the Establishment Clause. It is triggered only by a substantial burden on, a discrimination against, a total exclusion of, or an unreasonable limitation on the free exercise of religion. Regulatory exemptions are constitutional if they lift such government imposed burdens on religious exercise. *Board of Education* v. *Grumet*, 512 U.S. 687, 705 (1994); *Corporation of the Presiding Bishop* v. *Amos*, 483 U.S. 327, 335–36 (1987).

ADDITIONAL DISCUSSION ON INTENDED SCOPE ON LAND USE PROVISION

Not land use immunity

This Act does not provide religious institutions with immunity from land use regulation, nor does it relieve religious institutions from applying for variances, special permits or exceptions, hardship approval, or other relief provisions in land use regulations, where available without discrimination or unfair delay.

Definition of religious exercise

The definition of ''religious exercise'' under this Act includes the ''use, building, or conversion'' of real property for religious exercise. However, not every activity carried out by a religious entity or individual constitutes ''religious exercise.'' In many cases, real property is used by religious institutions for purposes that are comparable to those carried out by other institutions. While recognizing that these activities or facilities may be owned, sponsored or operated by a religious institution, or may permit a religious institution to obtain additional funds to further its religious activities, this alone does not automatically bring these activities or facilities within the bill's definition or ''religious exercise.'' For example, a burden on a commercial building, which is connected to religious exercise primarily by the fact that the proceeds from the building's operation would be used to support religious exercise, is not a substantial burden on ''religious exercise.''

Definition of substantial burden

The Act does not include a definition of the term ''substantial burden'' because it is not the intent of this Act to create a new standard for the definition of ''substantial burden'' on religious exercise. Instead, that term as used in the Act should be interpreted by reference to Supreme Court jurisprudence. Nothing in this Act, including the requirement in Section 5(g) that its terms be broadly construed, is intended to change that principle. The term ''substantial burden'' as used in this Act is not intended to be given any broader interpretation than the Supreme Court's articulation of the concept of substantial burden or religious exercise.

Burden of persuasion

If a claimant proves a substantial burden on its religious exercise, the government shall bear the burden of persuasion that application of the substantial burden is in furtherance of a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. However, the party asserting a violation of this Act shall in all cases bear the burden of proof that the governmental action in question constitutes a substantial burden on religious exercise. In any case in which the government provides prima facie evidence that it has made, or has offered in writing to make, a specific accommodation to relieve such a substantial burden, the claimant has the burden of persuasion that the proposed accommodation is either unreasonable or ineffective in relieving the substantial burden.

ADDITIONAL COMMENT

An earlier draft of this legislation had a subsection that would reversed that result in *Bronx Household of Faith* v. *Community School District*, 127 F.3d 207 (2nd Cir. 1997), and its progeny. Although that provision did not survive the necessary consensus building that has made possible this bi-partisan bill, the holding in Bronx Household is indeed troubling in light of the Supreme Court's counsel in *Widmar* v. *Vincent*, 454 U.S. 263, 269 n.6, 271 n.9, 272 n.11 (1981), to not set parameters to public forum that require differentiating between religious worship and all other forms of religious speech. We trust that the federal judiciary will revisit this issue at an early opportunity.

U.S. DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 19, 2000.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to express the Department of Justice's strong support for S. 2869, the ''Religious Land Use and Institutionalized Persons Act of 2000.'' The Department of Justice has consistently supported legislative efforts, such as the Religious Freedom Restoration Act (''RFRA''), that are designed to protect religious liberty. The Department is proud to have been able to work closely with staff from the House and Senate Judiciary Committees to refine this important legislation. With this letter, we hope to address certain questions that have been raised about the bill.

We understand that some Members may be concerned about the constitutionality of S. 2869, particularly in light of the Supreme Court's evolving federalism doctrines. Because of the importance of these issues, we have worked diligently with Senate and House staff, as well as with representatives of a wide array of private groups interested in the legislation, to craft a constitutional bill. In our view, S. 2869 is constitutional under governing Supreme Court precedents.

In addition, apparently there has been some question about the potential effect of S. 2869 on State and local civil rights laws, such as fair housing laws. Although prior legislative proposals implicated civil rights laws in a way that concerned the Department, we believe S. 2869 cannot and should not be construed to require exemptions from such laws.

Finally, we are aware that some Members may be concerned about the effect of S. 2869 on the operations of State prisons. While section 3 of S. 2869 would apply to State prisons, we do not believe it would have an unreasonable impact on prison operations. RFRA has been in effect in the Federal prison system for six years and compliance with that statute has not been an unreasonable burden to the Federal prison system. Since enactment of RFRA in 1994, Federal inmates have filed approximately 65 RFRA lawsuits in Federal court naming the Bureau of Prisons (or its employees) as defendants. Most of these suits have been dismissed on motions by the defendants. Very few, if any, have gone to trial. With respect to RFRA, Congress emphasized that courts should ''continue the tradition of giving due deference to the experience and expertise of prison and jail administrators in establishing necessary regulations and procedures to maintain good order, security and discipline, consistent with consideration of costs and limited resources.'' S. Rep. No. 111, 103d Cong., 1st Sess. 10 (1993); *see also* H.R. Rep. No. 88, 103d Cong., 1st Sess. 8 (1993). We presume the same would be true under section 3 of S. 2869. Moreover, in our experience, RFRA claims almost invariably are joined with other claims, such that the case would have to be litigated even in the absence of the RFRA requirement. In sum, RFRA has not created a substantially increased litigation burden on the Federal Bureau of Prisons, nor has it resulted in any adverse court rulings that have significantly burdened the operation of Federal prisons. Based on our experience at the Federal level, it seems unlikely that section 3 of S. 2869 would impose significant or unjustified burdens on the administration of State prisons.

We note that the proposal contemplates both private and Federal government enforcement. As is generally the case, we urge that increased Federal enforcement responsibilities be accompanied by appropriate resource increases.

Thank you for the opportunity to present our views. Please do not hesitate to call upon us if we may be of additional assistance. The Office of Management and Budget has advised us that from the perspective of the Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

COALITION FOR THE
FREE EXERCISE OF RELIGION,
Washington, DC, July 14, 2000.

DEAR REPRESENTATIVE: We urge you to cosponsor the ''Religious Land Use and Institutionalized Persons Act of 2000'' (RLUIPA) (H.R. 4862). This legislation will protect important aspects of a right that is foundational in our country—the right to worship free from unnecessary governmental interference. It will provide critical protection for houses of worship and other religious assemblies from restrictive land use regulation that all too often thwarts the practice of faith in our nation. The legislation also will ensure that institutionalized

persons will have the ability to exercise their religion in ways that do not undermine the security, discipline and order of their institutions.

In a series of Congressional hearings beginning in 1997, evidence was presented which indicated that the discretionary, individualized determinations made as a part of local land use regulation result in a pattern of burdensome and discriminatory actions on the activities of houses of worship and other religious assemblies. A study produced by law professors at Brigham Young University and attorneys from the law firm of Mayer, Brown & Platt has shown, for example, that small religious groups and nondenominational churches are greatly overrepresented in reported church zoning cases. Other testimony has documented the fact that some land use regulations intentionally exclude all new houses of worship from an entire city, while others exclude churches except if they are able to secure a special use permit, meaning that zoning authorities hold almost complete discretion in making these determinations. Some testimony presented explicit evidence of religious and racial bias associated with such land use determinations. In a significant number of communities, land use regulation makes it difficult or impossible to build, buy or rent space for a new house of worship, whether large or small.

Testimony from across the nation also has demonstrated that nonreligious assemblies are often treated far better by zoning authorities than religious assemblies. For example, recreation centers, health clubs, backyard barbecues and banquet halls are frequently the subjects of more favorable treatment than a home Bible study, a church's homeless feeding program or a small gathering of individuals for prayer.

After close scrutiny of this nationwide problem, members of Congress have properly chosen to address it through Congress' power under Section 5 of the 14th Amendment as well as through the spending and interstate commerce powers, consistent with recent U.S. Supreme Court decisions. RLUIPA generally provides that the government shall not implement land use regulation in ways that substantially burden religious exercise unless such a burden is justified by a compelling governmental interest that is being implemented in a manner that is least restrictive of religious exercise.

It is important to note that RLUIPA does not provide a religious assembly with immunity from zoning regulation. If the religious claimant cannot demonstrate that the regulation places a substantial burden on sincere religious exercise, then the claim fails without further consideration. If the claimant is successful in demonstrating a substantial burden, the government will still prevail if it can show that the burden is the unavoidable result of its pursuit of a compelling governmental objection. RLUIPA also ensures that the government may not treat religious assemblies and institutions on less than equal terms with a nonreligious assembly, discriminate against any institution on the basis of religion, totally exclude religious assemblies from a jurisdiction or unreasonably limit such uses within a jurisdiction.

RLUIPA also provides a remedy for institutionalized persons who are inappropriately denied the right to practice their faith, including those in state residential facilities (such as homes for the disabled and chronically ill) and correctional facilities. Congressional testimony included descriptions of instances in which a Catholic priest was forced to do battle over bringing a small amount of sacramental wine into prisons, and cases in which prison officials not only refused to purchase matzo (the unleaved bread Jews are required to eat on Passover), but refused to accept even donated matzo from a Jewish organization.

RLUIPA used Congress' powers to spend and regulate interstate commerce to address such problems. RLUIPA states that the government may not impose a substantial burden on the religious exercise of an institutionalized person unless that burden is justified by a compelling interest that is furthered by the least restrictive means. It is clear that this standard is applied in a special way in prisons. This provision does not require prison officials to grant religious requests that would undermine prison discipline, order and security. The standard set forth in RLUIPA has been employed by the Federal Bureau of Prisons for many years without negative impact on prison discipline, order and security. Moreover, RLUIPA states on its face that it does not amend or repeal the Prison Litigation Reform Act of 1995. Thus, the courts will continue to be able to reject frivolous lawsuits with ease. We urge you, therefore, to support the legislation as introduced by Representatives Canady, Nadler and Edwards and to reject an amendment thereto.

RLUIPA is supported by groups as different as the American Civil Liberties Union and the Christian Legal Society, Americans United for Separation of Church and State and Family Research Council, People For the American Way and the National Association for Evangelicals. These groups disagree on many issues, but they agree that the fundamental right of individuals and institutions to the free exercise of religion should be protected as RLUIPA does. While RLUIPA is not coextensive with all the free exercise issues about which the we care, it does address two critical areas that are continuing sources of free exercise problems in the wake of the U.S. Supreme Court's decision in *Employment Division v. Smith*, 494 U.S. 872 (1990). Thus, we urge you to co-sponsor this critical piece of legislation.

Sincerely,

MELISSA ROGERS,
General Counsel,
Baptist Joint Committee on Public Affairs.

LEADERSHIP CONFERENCE
ON CIVIL RIGHTS,
Washington, DC, July 14, 2000.

Senator TRENT LOTT,
Majority Leader, U.S. Senate,
Washington, DC.
Senator TOM DASCHLE,
Minority Leader, U.S. Senate
Washington, DC.

DEAR SENATOR LOTT AND SENATOR DASCHLE: The Leadership Conference on Civil Rights (LCCR) is a coalition of over 180 national organizations working to advance civil and human rights laws and policies. The LCCR writes to express our support for the Religious Land Use and Institutionalized Persons Act sponsored by Senators Orrin Hatch (R-UT) and Edward Kennedy (D-MA). We urge the Senate to pass this important legislation without amendment.

In our letter to you of March 17, 2000, we expressed our concern that the Religious Liberty Protection Act (RLPA) could have unintended, yet potentially harmful effects on other civil rights laws. The Religious Land Use and Institutionalized Persons Act is a less sweeping version of RLPA. Based on our careful review of the new legislation, we do not believe that the Hatch-Kennedy bill will have adverse consequences for other civil rights laws.

We greatly appreciate the work of the bill's sponsors in drafting the consensus legislation that will provide important new protections for the freedom of religious exercise without the harmful consequences for civil rights laws. These protections are especially important to preserve the exercise of religious beliefs by adherents of minority religions, who of often are in a position of having limited ability to influence the political process.

We believe that the new legislation will ensure appropriate safeguards against governmental burdens on the free exercise of religious beliefs in two important areas. The legislation will protect the religious exercise of persons whose beliefs are burdened by zoning or landmarking laws, or by laws affecting persons residing in state or locally run institutions.

Governments have frequently applied zoning and landmarking laws in ways that discriminate against, or severely limit, the ability of houses of worship and individuals to use their houses of worship or homes for religious exercise. The Hatch-Kennedy bill will be particularly useful for those religious groups whose ministries of feeding or housing low-income or homeless persons have been curtailed by zoning laws.

The Hatch-Kennedy bill also provides an important remedy for persons residing in, or confined to, state or local institutions, as defined by the Civil Rights of Institutionalized Persons Act. The new legislation makes clear that, in governmental residential facilities such as state hospitals, nursing homes, group homes, or prisons, the government may not dictate whether, how, or when individuals can practice their religion, unless the government has a compelling interest in enforcing its regulation. The legislation will help ensure that a person will not be stripped of his or her ability to exercise his or her religious beliefs when entering a state or local government-run hospital, nursing home, group home, or prison.

We appreciate your consideration of our views on this issue. We urge the Senate to pass the legislation without any amendments.

Sincerely,

WADE HENDERSON,
Executive Director.
DOROTHY I. HEIGHT,
Chairperson.

Mr. KENNEDY. Mr. President, religious freedom is a bedrock principle in our Nation. The Religious Land Use and Institutionalized Persons Act of 2000 reflects our commitment to protect religious freedom and our belief that Congress still has the power to enact legislation to enhance that freedom, even after the Supreme Court's decision in 1997 that struck down the broader Religious Freedom Restoration Act that 97 Senators joined in passing in 1993.

Our bill has the support of the Free Exercise Coalition, which represents over 50 diverse and respected groups, including the Family Research Council, the Christian Legal Society, the American Civil Liberties Union, and People for the American Way. The bill also has the endorsement of the Leadership Conference for Civil Rights.

The broad support for this bill by religious groups and the civil rights community is the result of many months of difficult, but important negotiations. We carefully considered ways to strengthen religious liberties in other ways in the wake of the Supreme Court's decision. We were mindful of not undermining existing laws intended to protect other important civil rights and civil liberties. It would have

been counterproductive if this effort to protect religious liberties led to confrontation and conflict between the civil rights community and the religious community, or to a further court decision striking down the new law. We believe that our bill succeeds in avoiding these difficulties by addressing two of the most obvious current threats to religious liberty and by leaving open the question of what future Congressional actions can be taken to protect religious freedom in America.

Our goal in passing this legislation is to reach a reasonable and constitutionally sound balance between respecting the compelling interests of government and protecting the ability of people freely to exercise their religion. We believe that the legislation accomplishes this goal in two areas where infringement of this right has frequently occurred—the application of land use laws, and treatment of persons who are institutionalized. In both of these areas, our bill will protect rights in the Constitution—the right to worship, free from unnecessary government interference.

I commend Senator HATCH for his commitment and diligence in developing this legislation. The consensus bill before us is in large part the product of his skillful leadership. Many others in the Senate also deserve credit for this legislation, including Senator LIEBERMAN, Senator DASCHLE, Senator SCHUMER, Senator REID, Senator BENNETT, Senator HUTCHINSON, and Senator GORDON SMITH.

A broad array of groups also played a central role in crafting this legislation. Among those deserving special recognition are the American Civil Liberties Union, the Baptist Joint Committee, People for the American Way, the Union of Orthodox Congregations, the American Jewish Committee, and the Christian Legal Society. Professor Douglas Laycock of the University of Texas School of Law had an indispensable role in this process. Finally, I commend the White House and the Department of Justice for their guidance and expertise in developing an effective and constitutionally sound bill.

Senator HATCH and I are including in the RECORD a section-by-section summary of the bill along with a joint statement providing a detailed explanation of the need for this important legislation. Numerous committee reports have also described numerous examples of thoughtless and insensitive actions by governments that interfere with religious freedom, even though no valid public purpose is served by the governmental action.

The Religious Land Use and Institutionalized Persons Act of 2000 is an important step forward in protecting religious liberty in America. It reflects the Senate's long tradition of bipartisan support for the Constitution and the nation's fundamental freedoms and I urge the Senate to approve it.

Mr. REID. Mr. President, I rise today in support of S. 2869, the Religious Land Use and Institutionalized Persons Act. Before addressing the substance of this legislation, I would like to thank and congratulate the chairman of the Judiciary Committee, Senator HATCH, as well as the senior Senator from Massachusetts, Senator KENNEDY, for the outstanding, bipartisan efforts they have taken to produce the legislation we are considering today. I am well aware of the various difficulties and interests which had to be addressed, and I believe they did a fine job under such circumstances.

Mr. President, though modified and reduced in scope in order to secure its passage, S. 2869 is the most recent attempt by the Congress to protect the free exercise of religion. Prior to 1990, American courts had generally applied a strict scrutiny test to government actions that imposed substantial burdens on the exercise of religion. As my colleagues know, the strict scrutiny test is the highest standard the courts apply to actions on the part of government. However, in 1990, in Employment Division, Oregon Department of Human Resources, v. Smith, the United States Supreme Court largely eliminated the strict scrutiny test for free exercise cases.

Three years later, in direct response to the Smith decision, the 103rd Congress enacted the Religious Freedom and Restoration Act (RFRA), reapplying and extending the strict scrutiny test to all government actions, including those of state and local governments, that imposed substantial burdens on religious exercise. In 1997, the Supreme Court ruled, in City of Boerne, Texas v. Flores, that RFRA's coverage of state and local governments exceeded Congressional authority.

In response to the City of Boerne ruling, the Religious Liberty Protection Act (RLPA) was introduced during the 106th Congress. RLPA also reapplied a strict scrutiny standard to the actions of state and local governments with respect to religious exercise, but attempted to draw its authority from Congressional powers to attach conditions to federal funding programs and to regulate commerce. While the companion measure passed the House of Representatives overwhelmingly in July 1999, the legislation stalled in the Senate when legitimate concerns were raised that RLPA, as drafted, would supersede certain civil rights, particularly in areas relating to employment and housing. These concerns were most troubling to the gay and lesbian community. Discrimination based upon race, national origin, and to lesser certainty, gender, would have been protected, regardless of RLPA, because the courts have recognized that preventing such discrimination is a sufficient enough compelling government interest to overcome the strict scrutiny standard that RLPA would apply to religious exercise. Sexual orientation and disability discrimination, however, have not been afforded this high level of protection.

Mr. President, as I was considering the merits of the Religious Liberty Protection Act, these concerns weighted heavily upon my mind. I say that because I was a proud supporter of the Religious Freedom Restoration Act, which we passed overwhelmingly during the 103rd Congress only to see the Supreme Court strike it down. I was, and remain, particularly supportive of the Land use provisions contained within RFRA, and RLPA, and which constitute the first of the two major sections contained within the Religious Land Use and Institutionalized Persons Act which we are considering today. As my colleagues may know, land use decisions are extremely important to many of the religious organizations which have joined together in the effort to get this legislation passed and signed into law. With some affiliations, legislation affecting land use decisions are the most important aspects of protecting the free exercise of religion. This is especially true for the Church of Jesus Christ of Latter Day Saints. Under current law, the LDS Church maintains serious reservations about non-uniform zoning regulations throughout the country which, though religiously-neutral on their face, have the effect of overly-restricting the size and location, among other things, of churches and temples. Often times, such regulations simply prohibit the construction of any church or temple. Under the legislation which Senators HATCH and KENNEDY have crafted, the strict scrutiny test contained within RLPA would apply to land use decisions. In other words, state and local zoning boards would be required to use the least restrictive means possible to advance a compelling state interest. I recognize that this is a high standard to meet, certainly much higher than current law, where zoning regulations are rarely overturned in court on religious exercise grounds. However, I also believe that the free exercise of religion deserves, in fact demands, such a high level of protection.

As I stated earlier, protecting hard-fought civil rights, including those which prohibit discrimination based upon sexual orientation, played an important role in my desire to pursue a more narrowly-tailored religious freedom measure. I am proud to have had the opportunity to work with Senators HATCH and KENNEDY to accomplish the worthwhile endeavor of protecting legitimate civil rights while at the same time protecting the free exercise of religion involving land use decisions.

While the first section of S. 2869 focuses upon land use, the second concerns the free exercise of religion as applied to institutionalized persons, i.e., prisoners. As my colleagues are well aware, in 1993, during the consideration of the Religious Freedom Restoration Act, I offered an amendment on the Senate floor that would have prohibited the applicability of RFRA to incarcerated individuals. I offered

that amendment for a variety of reasons, not the least of which was my belief, one that I continue to hold, that prisoners in this country have become entirely too litigious. Frivolous lawsuits seem to be the norm, not the exception to the rule. In 1993, more than 1,400 more lawsuits were filed by federal prisoners against the government, whether it was corrections officers, prison wardens, attorneys general, etc., than were filed by the government against criminals. That unbelievable situation within our federal judicial system, coupled with the high costs that my home State of Nevada was incurring defending frivolous prisoner lawsuits, led me to offer the amendment which would have prohibited the applicability of RFRA to prisoners. Regrettably, that effort failed. However, I remained a proud supporter of the underlying legislation.

Seven years later, I am faced with a similar set of circumstances. I support the underlying legislation which protects the free exercise of religion as applied to land use decisions, but I remain concerned that the applicability of the strict scrutiny standard to religious exercise within our federal, state and local prisons will encourage prisoners, and the courts, to second guess the decisions of our corrections employees and other prison officials. Furthermore, I have been contacted by many corrections officers and by the American Federation of State, County and Municipal Employees, AFSCME, which represents more than 60,000 dedicated men and women who are on the front line in our nation's prisons. They have legitimate concerns about what impact this legislation may have on prison security.

A number of corrections officers have contacted me to relay their own personal experiences. These dedicated men and women have real concerns. In fact, AFSCME recently alerted their corrections officer membership that this legislation was coming up for a vote, and was deluged with phone calls from members expressing their distress about how this bill might affect their ability to maintain security and protect the safety of the public. As you can well imagine, getting inmates to comply with security measures in prison is no easy task. Many prisoners will use any excuse to avoid searches and to evade security measures instituted to protect prison personnel and the general public from harm.

While I continue to believe that we should not extend the privilege of a strict scrutiny standard to restrictions on the free exercise of religion behind the bars of our nation's prisons, I also recognize certain realities. The Prison Litigation Reform Act, PLRA, which we passed during the 104th Congress, has led many Senators to believe that my amendment is no longer necessary. I disagree with this conclusion given that PLRA applied to RFRA from April 1996, through June 1997, and there was no perceivable reduction in the number of prisoner RFRA lawsuits, or their corresponding burden. Furthermore, with specific regard to corrections employees, even when cases are screened and dismissed under the provisions of the Prison Litigation Reform Act, those lawsuits still show up on the public record, making it much more difficult for corrections employees who have been sued to obtain mortgages and car loans.

Mr. President, rather than offer an amendment to strike the provisions of S. 2869 relating to Institutionalized Persons and risk the certainty that this legislation would fail this year, I have decided, in consultation with the managers of this legislation, to pursue a different approach. My distinguished colleague from Utah, the Chairman of the Judiciary Committee, has agreed to hold a hearing next year on the impact of this legislation on our nation's penal institutions and their dedicated employees. I am hopeful that this will provide the opportunity for corrections administrators and other personnel to air their concerns about how this legislation may affect security in these institutions. I would also expect several Attorneys General, including the Nevada State Attorney General who has made limiting frivolous prisoner lawsuits a priority in my home State, to express their opinions. I look forward to this debate, and I would offer my personal gratitude to Chairman HATCH for the commitment.

I also plan on joining with Senator HATCH to request that the General Accounting Office conduct a detailed study as to what effects the Religious Freedom Restoration Act had on our nation's prisons, both before, during and after the application of the Prison Litigation Reform Act, and what effects, at the appropriate time, this legislation will have.

In conclusion, Mr. President, while I retain serious reservations about the inclusion of prisoners in S. 2869, I commend Senators HATCH and KENNEDY for diligently working in a bipartisan fashion to craft a narrowly-tailored religious freedom protection measure that will pass this Senate.

Mr. HATCH. Mr. President, I thank my friend, the assistant Democratic leader and the Senior Senator from Nevada, for his leadership which has allowed us to bring S. 2869 to the floor today. He has worked closely with myself and Senator KENNEDY, and I am sure he joins me in thanking the Senator for his contributions to this important legislation.

I would also say that I recognize his commitment to reducing the number of frivolous lawsuits by prisoners, and that several of our colleagues, particularly Senator THURMOND, have raised serious concerns relating to the Institutionalized Persons section of the bill. I respect these concerns, and, as I have already relayed to the Senator, I am committed to holding a hearing next year in the Judiciary Committee on these matters.

Mr. REID. I thank the distinguished Chairman of the Judiciary Committee and I look forward to that hearing next year.

I also ask if it is the chairman's intention to join with me in requesting that the General Accounting Office conduct a study on the effects that the Religious Freedom and Restoration Act has had, and that the Religious Land Use and Institutionalized Persons Act will have on our nation's prisons, both at the federal and state level, including the dedicated men and women who serve this country as corrections employees.

Mr. HATCH. The Senator is correct to state that I intend to request such a study from the GAO.

Mr. REID. Again, I thank the distinguished chairman. I also reiterate my appreciation and congratulations to him and Senator KENNEDY for the outstanding work they have done on a bipartisan basis to bring this legislation to the floor.

Mr. HATCH. I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

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

The bill (S. 2869) was read the third time and passed, as follows:

S. 2869

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 ''Religious Land Use and Institutionalized Persons Act of 2000''.

SEC. 2. PROTECTION OF LAND USE AS RELIGIOUS EXERCISE.

(a) SUBSTANTIAL BURDENS.—

(1) GENERAL RULE.—No government shall impose or implement a land use regulation in a manner that imposes a substantial burden on the religious exercise of a person, including a religious assembly or institution, unless the government demonstrates that imposition of the burden on that person, assembly, or institution—

(A) is in furtherance of a compelling governmental interest; and

(B) is the least restrictive means of furthering that compelling governmental interest.

(2) SCOPE OF APPLICATION.—This subsection applies in any case in which—

(A) the substantial burden is imposed in a program or activity that receives Federal financial assistance, even if the burden results from a rule of general applicability;

(B) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, even if the burden results from a rule of general applicability; or

(C) the substantial burden is imposed in the implementation of a land use regulation or system of land use regulations, under which a government makes, or has in place formal or informal procedures or practices that permit the government to make, individualized assessments of the proposed uses for the property involved.

(b) DISCRIMINATION AND EXCLUSION.—

(1) EQUAL TERMS.—No government shall impose or implement a land use regulation

in a manner that treats a religious assembly or institution on less than equal terms with a nonreligious assembly or institution.

(2) NONDISCRIMINATION.—No government shall impose or implement a land use regulation that discriminates against any assembly or institution on the basis of religion or religious denomination.

(3) EXCLUSIONS AND LIMITS.—No government shall impose or implement a land use regulation that—

(A) totally excludes religious assemblies from a jurisdiction; or

(B) unreasonably limits religious assemblies, institutions, or structures within a jurisdiction.

SEC. 3. PROTECTION OF RELIGIOUS EXERCISE OF INSTITUTIONALIZED PERSONS.

(a) GENERAL RULE.—No government shall impose a substantial burden on the religious exercise of a person residing in or confined to an institution, as defined in section 2 of the Civil Rights of Institutionalized Persons Act (42 U.S.C. 1997), even if the burden results from a rule of general applicability, unless the government demonstrates that imposition of the burden on that person—

(1) is in furtherance of a compelling governmental interest; and

(2) is the least restrictive means of furthering that compelling governmental interest.

(b) SCOPE OF APPLICATION.—This section applies in any case in which—

(1) the substantial burden is imposed in a program or activity that receives Federal financial assistance; or

(2) the substantial burden affects, or removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 4. JUDICIAL RELIEF.

(a) CAUSE OF ACTION.—A person may assert a violation of this Act as a claim or defense in a judicial proceeding and obtain appropriate relief against a government. Standing to assert a claim or defense under this section shall be governed by the general rules of standing under article III of the Constitution.

(b) BURDEN OF PERSUASION.—If a plaintiff produces prima facie evidence to support a claim alleging a violation of the Free Exercise Clause or a violation of section 2, the government shall bear the burden of persuasion on any element of the claim, except that the plaintiff shall bear the burden of persuasion on whether the law (including a regulation) or government practice that is challenged by the claim substantially burdens the plaintiff's exercise of religion.

(c) FULL FAITH AND CREDIT.—Adjudication of a claim of a violation of section 2 in a non-Federal forum shall not be entitled to full faith and credit in a Federal court unless the claimant had a full and fair adjudication of that claim in the non-Federal forum.

(d) ATTORNEYS' FEES.—Section 722(b) of the Revised Statutes (42 U.S.C. 1988(b)) is amended—

(1) by inserting ''the Religious Land Use and Institutionalized Persons Act of 2000,'' after ''Religious Freedom Restoration Act of 1993,''; and

(2) by striking the comma that follows a comma.

(e) PRISONERS.—Nothing in this Act shall be construed to amend or repeal the Prison Litigation Reform Act of 1995 (including provisions of law amended by that Act).

(f) AUTHORITY OF UNITED STATES TO ENFORCE THIS ACT.—The United States may bring an action for injunctive or declaratory relief to enforce compliance with this Act. Nothing in this subsection shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the United States, or any agency, officer, or employee of the United States, acting under any law other than this subsection, to institute or intervene in any proceeding.

(g) LIMITATION.—If the only jurisdictional basis for applying a provision of this Act is a claim that a substantial burden by a government on religious exercise affects, or that removal of that substantial burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, the provision shall not apply if the government demonstrates that all substantial burdens on, or the removal of all substantial burdens from, similar religious exercise throughout the Nation would not lead in the aggregate to a substantial effect on commerce with foreign nations, among the several States, or with Indian tribes.

SEC. 5. RULES OF CONSTRUCTION.

(a) RELIGIOUS BELIEF UNAFFECTED.—Nothing in this Act shall be construed to authorize any government to burden any religious belief.

(b) RELIGIOUS EXERCISE NOT REGULATED.—Nothing in this Act shall create any basis for restricting or burdening religious exercise or for claims against a religious organization including any religiously affiliated school or university, not acting under color of law.

(c) CLAIMS TO FUNDING UNAFFECTED.—Nothing in this Act shall create or preclude a right of any religious organization to receive funding or other assistance from a government, or of any person to receive government funding for a religious activity, but this Act may require a government to incur expenses in its own operations to avoid imposing a substantial burden on religious exercise.

(d) OTHER AUTHORITY TO IMPOSE CONDITIONS ON FUNDING UNAFFECTED.—Nothing in this Act shall—

(1) authorize a government to regulate or affect, directly or indirectly, the activities or policies of a person other than a government as a condition of receiving funding or other assistance; or

(2) restrict any authority that may exist under other law to so regulate or affect, except as provided in this Act.

(e) GOVERNMENTAL DISCRETION IN ALLEVIATING BURDENS ON RELIGIOUS EXERCISE.—A government may avoid the preemptive force of any provision of this Act by changing the policy or practice that results in a substantial burden on religious exercise, by retaining the policy or practice and exempting the substantially burdened religious exercise, by providing exemptions from the policy or practice for applications that substantially burden religious exercise, or by any other means that eliminates the substantial burden.

(f) EFFECT ON OTHER LAW.—With respect to a claim brought under this Act, proof that a substantial burden on a person's religious exercise affects, or removal of that burden would affect, commerce with foreign nations, among the several States, or with Indian tribes, shall not establish any inference or presumption that Congress intends that any religious exercise is, or is not, subject to any law other than this Act.

(g) BROAD CONSTRUCTION.—This Act shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this Act and the Constitution.

(h) NO PREEMPTION OR REPEAL.—Nothing in this Act shall be construed to preempt State law, or repeal Federal law, that is equally as protective of religious exercise as, or more protective of religious exercise than, this Act.

(i) SEVERABILITY.—If any provision of this Act or of an amendment made by this Act, or any application of such provision to any person or circumstance, is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provision to any other person or circumstance shall not be affected.

SEC. 6. ESTABLISHMENT CLAUSE UNAFFECTED.

Nothing in this Act shall be construed to affect, interpret, or in any way address that portion of the first amendment to the Constitution prohibiting laws respecting an establishment of religion (referred to in this section as the ''Establishment Clause''). Granting government funding, benefits, or exemptions, to the extent permissible under the Establishment Clause, shall not constitute a violation of this Act. In this section, the term ''granting'', used with respect to government funding, benefits, or exemptions, does not include the denial of government funding, benefits, or exemptions.

SEC. 7. AMENDMENTS TO RELIGIOUS FREEDOM RESTORATION ACT.

(a) DEFINITIONS.—Section 5 of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–2) is amended—

(1) in paragraph (1), by striking ''a State, or a subdivision of a State'' and inserting ''or of a covered entity'';

(2) in paragraph (2), by striking ''term'' and all that follows through ''includes'' and inserting ''term 'covered entity' means''; and

(3) in paragraph (4), by striking all after ''means'' and inserting ''religious exercise, as defined in section 8 of the Religious Land Use and Institutionalized Persons Act of 2000.''.

(b) CONFORMING AMENDMENT.—Section 6(a) of the Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb–3(a)) is amended by striking ''and State''.

SEC. 8. DEFINITIONS.

In this Act:

(1) CLAIMANT.—The term ''claimant'' means a person raising a claim or defense under this Act.

(2) DEMONSTRATES.—The term ''demonstrates'' means meets the burdens of going forward with the evidence and of persuasion.

(3) FREE EXERCISE CLAUSE.—The term ''Free Exercise Clause'' means that portion of the first amendment to the Constitution that proscribes laws prohibiting the free exercise of religion.

(4) GOVERNMENT.—The term ''government''—

(A) means—

(i) a State, county, municipality, or other governmental entity created under the authority of a State;

(ii) any branch, department, agency, instrumentality, or official of an entity listed in clause (i); and

(iii) any other person acting under color of State law; and

(B) for the purposes of sections 4(b) and 5, includes the United States, a branch, department, agency, instrumentality, or official of the United States, and any other person acting under color of Federal law.

(5) LAND USE REGULATION.—The term ''land use regulation'' means a zoning or landmarking law, or the application of such a law, that limits or restricts a claimant's use or development of land (including a structure affixed to land), if the claimant has an ownership, leasehold, easement, servitude, or other property interest in the regulated land or a contract or option to acquire such an interest.

(6) PROGRAM OR ACTIVITY.—The term ''program or activity'' means all of the operations of any entity as described in paragraph (1) or (2) of section 606 of the Civil Rights Act of 1964 (42 U.S.C. 2000d–4a).

(7) RELIGIOUS EXERCISE.—

(A) IN GENERAL.—The term ''religious exercise'' includes any exercise of religion,

whether or not compelled by, or central to, a system of religious belief.

(B) RULE.—The use, building, or conversion of real property for the purpose of religious exercise shall be considered to be religious exercise of the person or entity that uses or intends to use the property for that purpose.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. HATCH. I ask unanimous consent that the Senate now proceed to the consideration of Calendar No. 584, H.R. 3244.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3244) to combat trafficking of persons, especially into the sex trade, slavery-like conditions, in the United States and countries around the world through prevention, through prosecution and enforcement against traffickers, and through protection and assistance to victims of trafficking.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4027

Mr. HATCH. My understanding is Senators BROWNBACK and WELLSTONE have an amendment the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH], for Mr. BROWNBACK and Mr. WELLSTONE, proposes an amendment numbered 4027.

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

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

AMENDMENT NO. 4028 TO AMENDMENT NO. 4027

Mr. HATCH. Mr. President, I have a second-degree amendment at the desk, and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes an amendment numbered 4028 to amendment No. 4027.

Mr. HATCH. I ask unanimous consent the reading be dispensed.

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

Mr. WELLSTONE. I rise today to address the serious and widespread problem of international trafficking in persons, particularly women and children, for the purposes of sexual exploitation and forced labor, and to seek your continued support for legislation aimed at curbing this horrific crime.

Trafficking in persons becomes more insidious and widespread everyday. For example, every year approximately one million women and children are forced into the sex trade against their will. A recent CIA analysis of the international trafficking of women into the United States reports that as many as 50,000 women and children each year are brought into the United States and forced to work as prostitutes, forced laborers and servants. Others credibly estimate that the number is probably much higher.

Those whose lives have been disrupted by civil wars or fundamental changes in political geography, such as the disintegration of the Soviet Union or the violence in the Balkans, have fallen prey to traffickers. Seeking financial security, many innocent persons are lured by traffickers' false promises of a better life and lucrative jobs abroad. However, upon arrival in destination countries, these victims are often stripped of their passports and held against their will, some in slave-like conditions. Rape, intimidation and violence are commonly employed by traffickers to control their victims and to prevent them from seeking help.

Trafficking rings are often run by criminals operating through nominally reputable agencies. In some cases overseas, police and immigration officials of other nations participate in or benefit from trafficking. In other cases, lack of awareness or complacency among government officials, such as border patrol and consular officers, contributes to the problem. Furthermore, traffickers are rarely punished as official policies often inhibit victims from testifying against their traffickers, making trafficking a highly profitable, low-risk business venture for some.

In April my esteemed colleague from Kansas and I introduced separate bills to combat trafficking in persons. I introduced S. 2414, the Trafficking Victims Protection Act of 2000, and he introduced S. 2449, the International Trafficking Act of 2000. But, although we earlier introduced these separate bills, we would like to relay to you the truly bipartisan effort this has been. This effort is reflected in the bill we passed today.

The Trafficking Victims Protection Act of 2000 is a comprehensive bill that aims to prevent trafficking in persons, provide protection and assistance to those who have been trafficked, and strengthen prosecution and punishment of those responsible for trafficking. It is designed to help federal law enforcement officials expand anti-trafficking efforts here and abroad; to expand domestic anti-trafficking and victim assistance efforts; and to assist non-governmental organizations, governments and others worldwide who are providing critical assistance to victims of trafficking.

The Trafficking Victims Protection Act of 2000 addresses the underlying problems which fuel the trafficking industry by promoting public anti-trafficking awareness campaigns and initiatives to enhance economic opportunity, such as micro-credit lending programs and skills training, for those most susceptible to trafficking. It also increases protections and services for trafficking victims by establishing programs designed to assist in the safe reintegration of victims into their community, and ensure that such programs address both the physical and mental health needs of trafficking victims. Further, the bills seek to stop the practice of immediately deporting victims back to potentially dangerous situations by providing them interim immigration relief and the time necessary to bring charges against those responsible for their condition. It also toughens current federal trafficking penalties, criminalizing all forms of trafficking in persons and establishing punishment commensurate with the heinous nature of this crime.

This bill requires expanded reporting on trafficking, including a separate list of countries which are not meeting minimum standards for the elimination of trafficking. It authorizes the President to suspend assistance to the worst violators on the list of countries which do not meet these minimum standards. This discretionary approach provides the flexibility needed to combat the complex, multi-faceted, and often multi-jurisdictional nature of this crime, while maintaining the prospect of tough enforcement against governments who persistently ignore, or whose officials are even complicit in, trafficking within their own borders. It allows Congress to monitor closely the progress of countries in their fight against trafficking and gives the Administration flexibility to couple its diplomatic efforts to combat trafficking with targeted action that can be tailored to the individual country involved.

Since we began working on this issue, Senator BROWNBACK and I have met with trafficking victims, aftercare providers, and human rights advocates from around the world who have reminded us again and again of the horrible, widespread and growing nature of this human rights abuse. Today this Chamber has taken an important first step toward the elimination of trafficking in persons. We are thankful for your support.

Mr. HATCH. Mr. President I ask unanimous consent that the amendment be agreed to, the substitute amendment be agreed to as amended, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the Senate then insist on its amendment, request a conference on the part of the Senate, and any statements relating to this action be printed in the RECORD.

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

The amendments (Nos. 4027 and 4028) were agreed to.

The bill (H.R. 3244), as amended, was read the third time and passed.

The Presiding Officer (Mr. SMITH of Oregon) appointed from the Committee on the Judiciary, Mr. HATCH, Mr. THURMOND, and Mr. LEAHY; from the Committee on Foreign Relations, Mr. HELMS, Mr. BROWNBACK, Mr. BIDEN, and Mr. WELLSTONE, conferees on the part of the Senate.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from New Hampshire.

Mr. SMITH of New Hampshire. I thank the Chair.

(The remarks of Mr. SMITH of New Hampshire pertaining to the introduction of S. 2962 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. SMITH of New Hampshire. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to speak as in morning business.

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

PIPELINE SAFETY EFFORTS

Mrs. Murray. Mr. President, I've come to the floor this evening to share with my colleagues recent developments on the pipeline safety legislation. I am frustrated that to date we've been unable to come to agreement on a package of amendments that would ensure this critical legislation passes this year. I praise the efforts of the chairman of the Commerce Committee, Senator MCCAIN, and the committee's ranking member, Senator HOLLINGS, for their steadfast resolution in dealing with this issue.

As most of my colleagues know, I've been working for more than a year to improve pipeline safety standards. Millions of miles of pipelines run through our communities, next to our schools and under our homes. As the deadly pipeline explosion in Bellingham, WA, on June 10, 1999, that killed 3 young boys, showed us, pipelines are not as safe as they could be.

Since the Bellingham explosion, I have been working with officials at all levels of government, industry representatives, environmentalists, state and federal regulators, and concerned citizens to identify ways to improve pipeline safety in our nation.

It has been an eye-opening experience. I've uncovered a history of loose regulation with insufficient safety standards, inadequately trained pipeline operators, and a public that is uninformed of the threat that exists.

To date, I have focused on the problems associated with liquid gas pipelines. The pipe that ruptured and resulted in the tragic deaths of the three young people in my state was a liquid pipeline. What most people don't know is that natural gas pipelines are far more deadly and injure many more people.

From 1986 to 1999, liquid pipeline accidents, according to the U.S. Department of Transportation, resulted in 35 deaths and 235 injuries. In contrast, natural gas distribution and transmission pipelines in that same time period have resulted in 296 deaths and injured 1,357 people. The property damage that has resulted from these incidence totals nearly $1 billion.

Some examples of recent deadly natural gas pipelines include:

A 1998 natural gas explosion in St. Cloud, Minnesota that destroyed six buildings, killed four people and injured 14 others:

A 1997 Citizens Gas natural gas pipeline in Indianapolis that ruptured and ignited, destroying 6 homes and damaging 65 others properties. One person was tragically killed. Luckily this event occurred mid-day while many people were at work and school, otherwise it is likely that more fatalities would have occurred in that family neighborhood; and

A 1994 natural gas explosion in Allentown, Pennsylvania that killed one person and injured 66 others.

These are just three of many. Pipelines are dangerous, especially natural gas lines. We need to reform the system and put teeth in the regulation to ensure that these accidents are reduced dramatically.

The Office of Pipeline Safety oversees more than 157,000 miles of pipelines which transport hazardous liquids and more than 2.2 million miles of natural gas lines throughout the country. While these pipelines perform a vital service by bringing us the fuel we need to heat our homes and power our cars, they can also pose safety hazards.

That is why I introduced S. 2004, the Pipeline Safety Act of 2000, on January 27, 2000. In April, the administration and Senator MCCAIN, along with myself and Senator GORTON, also introduced alternative pipeline safety bills. All of these bills focus on expanding local input in pipeline safety matters and strengthening community ''right to know'' provisions, improving pipeline integrity and inspection practices, and increasing our research and development efforts.

On June 15, 2000, the Senate Commerce Committee discussed and deliberated the McCain-Murray-Gorton bill. As I stated before, this bill incorporates most of my priorities and is a positive step toward improving pipeline safety. The committee reported by bill without dissent.

Events since that time have proven less hopeful. Naturally, there were concerns with the bill as reported out of committee—and again—I appreciate the indulgence of the chair and ranking member as we have sought to negotiate through these difficult issues. Working with Senator GORTON and the Commerce Committee, we have come very close to compromise. Many issues have been resolved; there are only a few minor ones left.

I fear, however, that we may be coming to an impasse in our negotiations. I want my colleagues and the industry to know, I will not let the interests of the few strip the many of their right to safe communities.

Mr. President, the reforms we have called for are common sense measures. They will make our communities safer and allow everyone to enjoy the benefits of a modern pipeline infrastructure.

The reasons for delay are indefensible. I encourage my colleagues to consider what the stalling on this important issue could mean to communities in their State. It means, tragically, more unnecessary damage to life and property.

I knew this process would be difficult, but I am concerned at the point where we find ourselves today. If we can't accomplish this soon, I want my colleagues to know, I promise I will be creative in my approach to achieving meaningful pipeline safety legislation this year and find other ways to enact these extremely important reforms.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The 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.

MISSOURI RIVER DAMS

Mr. DASCHLE. Mr. President, this week my friend and colleague, Senator BOND, came to the floor to explain why he is seeking to stop much needed changes in the operation of the dams on the Missouri River which is so important to the culture and economy not only in my State but so many others.

For the past 10 years, the Army Corps of Engineers has been working to update the decades-old management policies for the Missouri River. That effort, conducted by scientists and professional river managers, is approaching fruition. This year the Fish and Wildlife Service has told the Corps that changes need to take place to restore this magnificent river to biological health and so that we may prevent the extinction of three endangered species. By doing so, we will not only bring environmental benefits to the river but also enhance the recreational use of the river, both upstream and, I might emphasize, downstream. Bringing about these needed management changes will mean the environment, public relations, and health of the river will all be winners.

But now my colleague from Missouri has inserted a rider, an anti-environmental measure, in the energy and water bill that would stop the Corps from changing the management of the river. I understand why my colleague from Missouri has done this. He is trying to protect the interests of the State. However, in the process, he would sacrifice a much larger upstream fish, wildlife, and recreation industry. I simply cannot let that go uncontested. Hence, we have been embroiled for now several days in a disagreement that I had hoped could be resolved.

Six major dams have been constructed on the Missouri River which have forever changed its flow and character.

Since the last earthen dam was built in the early 1960's, we have witnessed the decline of fish and wildlife along the river.

This has resulted largely from the management policies that were developed in 1960 for operating the dams, and which favor the tiny $7 million downstream barge industry. These policies are established in what is known as the Missouri River Master Water Control Manual, often called the ''Master Manual.''

It has been four decades since the Master Manual was significantly updated.

Therein lies the problem. The existing Master Manual, which is grounded in principles relevant to conditions in the 1960's, favors the barge industry, which prefers constant, level flows throughout the spring, summer, and fall.

But times and conditions have changed over 40 years. That is why the Master Manual is being revised.

Over the years, outdated management policies have caused fish species to decline, as the natural high spring flows that signal fish species to spawn have disappeared. They have led to the endangerment of bird species that rely on exposed sandbars to nest in the summertime. The corps often submerges those critical sandbars in its effort to provide sufficient flows for the barges.

That is why both the Missouri River Natural Resources Committee and the U.S. Fish and Wildlife Service agree that the Master Manual must be revised to manage the flow of the river in a much more natural way. High spring flows, known as the ''spring rise'' need to be restored.

At the same time, the summer flows must be reduced to allow the endangered terns and plovers to nest. This is known as the ''split season.''

In combination with the spring rise, the split season and the spring rise will help to restore the health of the river and recover these endangered species.

In addition to the serious environmental problems and cause by the current Master Manual, current management policies also harm public recreation. In times of drought, Missouri River reservoirs of the Dakotas and Montana drop as low that boat ramps are left high and dry, and a $90 million per year recreation industry is sacrified for a $67 million per year barge industry.

The split season and spring rise will ensure that more water remains in the reservoirs in the summer, providing greater recreational opportunities for the public.

This Master Manual revision process has been underway since 1990, following a 1989 lawsuit the corps of the State of South Dakota. Again that has been a science-driver process, not a political one.

No one who has followed this issue will be surprised by the recommendation of the Fish and Wildlife service, or can argue this is issue has not been studied evaluated thoroughly. Once the consultation between the corps and the Fish and Wildlife Service is completed this year, the Corps will produce a revised draft environmental impact statement (EIS) and provide the public with 6 months to comment on it.

At the end of that stage, the corps will provide a final EIS. That document will be reviewed by Corps staff in Washington, DC, a record of decision will be issued, and the Master Manual will be revised.

That is the process set out of Federal law.

The question before the Senate on the Energy and Water Appropriations bill is whether we are going to cut off that Master manual revision process with this rider because some don't like the answers the process is revealing. If we do so, we will allow the river to continue its slow decline that inevitably will lead to the extinction of these and perhaps other species.

Some have stated that this rider has been included in past appropriations bills, and therefore we should continue to include it in the FY2001 Energy and Water Appropriations bill.

But members should know that this rider was irrelevant in past years, because the corps was not close to revising the Master Manual and because the corps had not engaged in consultation with the Fish and Wildlife Service to determine what management changes are necessary to protect endangered species.

Since no changes to the Master Manual were planned in past years, the effect of the rider was at most symbolic, reflecting the opposition of some along the river to changing the status quo.

This year, for the first time, the debate over this rider has meaning.

This year, the corps finally has reached the point in the process where it is consulting with the Fish and Wildlife Service and is learning officially that it must implement a spring rise and split season to avoid driving these endangered species to extinction.

This year, the corps finally has a schedule to complete the process of revising the manual in the foreseeable future.

Having learned without question that certain management changes need to take place to restore the health of the river, Congress must decide whether to override the requirements of the Endangered Species Act and condemn the fish and wildlife of the river to a slow death, or to face the truth and give the river new life.

The answer is clear. The Corps of Engineers and the Fish and Wildlife Service should be allowed to continue to work together under the very Federal laws and processes that Congress has enacted, so that the corps can revise this outdated Master Manual and improve the management and health of the Missouri River.

This is a job for the technical experts of those agencies to complete, in compliance with established procedures, and including an opportunity for substantial public comment and input. Congress should not substitute its political judgment for this process and thereby condemn this once-magnificent river to a slow death.

It is my hope that my colleagues will allow the established process to move forward, let the public have its say, and take the steps that we know are necessary to recover this once-impressive and biologically-fertile river. This anti environmental rider must be removed.

Mr. President, I have now been given assurances by the White House that the President will veto this bill if this rider is included. Given that assurance and given the importance of protecting the integrity of the established process for improving the management of the Missouri River, I have agreed to allow this legislation to move forward, which is why we had the vote this afternoon. I will continue to work with my friend, the Senator from Missouri, and I will continue to appreciate the assurances I have been given by the White House that they will veto this legislation were it to come to their desk with the President's knowledge that this legislation includes the rider. I will certainly work to assure that we can sustain the veto when it comes back. That is essential. It is important to not only South Dakota and North Dakota, the upper regions of the Missouri River, but it is important to our country.

Mr. President, I ask unanimous consent that a letter dated July 26, 2000, from the Governor of South Dakota, William Janklow, be printed in the RECORD.

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

STATE OF SOUTH DAKOTA,
Pierre, SD, July 26, 2000.

Hon. PETER DOMENICI,
Hon. HARRY REID,
U.S. Senate, Subcommittee on Energy and Water Development, Senate Committee on Appropriations, Washington, DC.

DEAR SENATORS DOMENICI AND REID: It has come to my attention that Missouri's Senators Bond and Ashcroft are attempting to block needed changes in the operation of the Missouri River. Senator Bond has attached a provision to H.R. 4733, the FY2001 Energy and Water Development Appropriations Act. The intended effect of the provision is to prohibit any funds being made available to be used to revise the Missouri River Master Control Manual, if the revision is for the purpose of providing for an increase in the springtime water release programs during the spring heavy rainfall and snow melt period in states that have rivers draining into the Missouri River below the Gavins Point Dam.

This provision is an attempt to override the work of the eight states that are members of the Missouri River Basin Association (MRBA). After a long and arduous process, the MRBA arrived at a consensus plan which seven of the eight basin states could support. However, Missouri was the lone state that did not sign on to the MRBA plan. They choose to mount a political battle to protect their status quo related to water flows.

Missouri and every other state must understand that no state is an island.

Interestingly, while the Missouri River reservoirs brought many benefits to the downstream states, navigation never developed to its original expectations. And, while no one even mentioned recreation as one of the benefits back in 1944, it exploded as an industry on the upper basin mainstem reservoirs. In fact, the Corps of Engineers' 1998 Revised Preliminary Draft Environmental Impact Statement for the Missouri River Master Water Control Manual credits recreation with $84.6 million in annual benefits while navigation creates a mere $6.9 million in annual benefits.

As you can see, we are at a crossroads today. The Corps continues to operate the reservoirs with an outdated Master Control Manual. Some of the original purposes of the Pick-Sloan Plan, like hydropower and flood control, are still valid today. However, the manual does not adequately address the conflict between navigation and recreation. Navigation takes water to support a barge channel and during times of dry years and water shortages the upper basin recreation industry suffers terribly. To keep a full navigation channel below Sioux City, Iowa, our reservoirs are drained and our boat docks left high and dry. An $84.6 million industry that offers recreational benefits to hundreds of thousands of people is held hostage by the $6.9 million barge industry.

Getting to this point in the Master Manual revision has been a long and arduous trail. Basin stakeholders have held countless meetings, thousands of hours have gone into evaluating the different options, and, in a spirit of compromise, we have agreed to allow the process to work. Too much effort has been spent to derail it now. To allow Senator Bond's provision would sound a death knell to a difficult consensus process, disregard sound biological and hydrological science, and place the whole Master Manual review process back into a political free-for-all pitting the upper-basin-states against the lower basin states. I urge you to remove Senator Bond's provision in your committee.

Sincerely,

WILLIAM J. JANKLOW.

SENATE DEMOCRATS BBA REFINEMENT AND ACCESS TO CARE PROPOSAL

Mr. DASCHLE. Mr. President, the Balanced Budget Act of 1997 made some positive changes and contributed to our current $2.2 trillion on-budget surplus.

Some of the BBA policies, however, cut providers and services far more consequentially than was ever anticipated, and that has created extraordinary problems for health care providers all over the country.

I have been hearing from providers in South Dakota about the burdens that BBA created now for almost 3 years.

Just this week, community leaders in Sturgis, SD, have been meeting to decide the fate of an important clinic we have there. The administrators in Sturgis say the cuts we made in 1997 mean that they have been losing money every year. We may actually see the clinic close as a result. That clinic is not alone. There are clinics, there are hospitals, there are providers throughout my State and throughout the country who are facing the same fiscal demise if something is not done. And their demise spells problems for the people who depend on them for care.

Last year, we made the first step. Thanks to a united Democratic effort, we put forth a bill largely endorsed by our colleagues on both sides of the aisle and passed the first installment of relief from the BBA. It was an effort to try to stave off further closings and financial harm to critical community health care facilities. We didn't go far enough. Communities are still struggling in spite of our best effort last year.

Senate Democrats believe that we cannot ignore the crisis this year either. We need to act to ensure that beneficiary access to quality health care remains, regardless of circumstances, regardless of geography, regardless of whether we are talking about a rural area or an inner city.

I want to thank Senator PATRICK MOYNIHAN, our ranking member, Senator Max BAUCUS, and so many other members of the Senate Democratic Caucus and the Finance Committee for their leadership in developing the response to this crisis that we will be introducing shortly upon our return.

The Senate Democrats, under their leadership, are now proposing a package of payment adjustments and other improvements to beneficiary access that total $80 billion over 10 years.

This $80 billion will be used to help stabilize hospitals, home health agencies, hospices, nursing homes, clinics, Medicare+Choice plans, and other providers.

Our plan pays special attention to rural providers, which serve a larger proportion of Medicare beneficiaries and are more adversely impacted by reductions in the Medicare payment.

It includes targeted relief for teaching hospitals that train our health providers and conduct cutting-edge research.

And it includes improvements to Medicaid that could mean significantly improved access to health care for a number of uninsured people.

The proposal also includes improvements that directly help beneficiaries.

Senate Democrats continue to believe that passage of an affordable, voluntary, meaningful Medicare prescription drug benefit is of highest priority.

We will continue to press for passage of a prescription drug benefit in September as we fight for the important provisions in this proposal.

I ask unanimous consent that our proposal outline be printed in the RECORD, which goes through in some detail each of the areas that we hope to address, why we hope to address them, and the reasons we are addressing them in the bill that we will be introducing immediately upon our return from the August recess.

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

SENATE DEMOCRATS' BBA REFINEMENT AND ACCESS TO CARE PROPOSAL, JULY 27, 2000

The Balanced Budget Act (BBA) of 1997 made some important changes in Medicare payment policy, improved health care coverage, and contributed to our current period of budget surpluses through significant cost savings in Medicare. CBO originally estimated Medicare spending cuts at $112 billion over 5 years. Some of the policies enacted in the BBA, however, cut payments to providers more significantly than expected—in some cases more than double the expected amount—and threaten the survival of institutions and services vital to seniors and their communities throughout the country. Senate Democrats believe that, in light of the projected $2.2 trillion on-budget surplus over the next 10 years and the problems facing vital health care services, the Congress should enact a significant package of BBA adjustments and beneficiary protections. Senate Democrats therefore propose a package of payment adjustments and access to care provisions amounting to $80 billion over 10 years.

Hospitals. A significant portion of the BBA spending reductions have impacted hospitals. According to MedPAC, ''Hospitals' financial status deteriorated significantly in 1998 and 1999,'' the years following enactment of BBA. The Senate Democrats' BBA refinement proposal addresses the most pressing problems facing hospitals by:

Adjusting inpatient payments to keep up with increases in hospital costs, an improvement that will help hospitals.

Preventing further reductions in payment rates for vital teaching hospitals—which are on the cutting edge of medical research and provide essential care to a large proportion of indigent patients. Support for medical training and research at independent children's hospitals is also included in the Democratic proposal.

Targeting additional relief to rural hospitals (Critical Access Hospitals, Medicare Dependent Hospitals, and Sole Community Hospitals) and making it easier for them to qualify for disproportionate share payments under Medicare.

Providing additional support for hospitals with a disproportionate share of indigent patients.

Home Health. The BBA his home health agencies particularly hard. Home health spending dropped 45 percent between 1997 and 1999, while the number of home health agencies declined by more than 2000 over that period. MedPAC has cautioned against implementing next year the scheduled 15% reduction in payments. The Senate Democrats' BBA refinement proposal:

Prevents further reductions in home health payments, takes into consideration the highest cost cases, and addresses the special needs of rural home health agencies.

Improves payments for medical equipment.

Rural. Rural providers serve a larger proportion of Medicare beneficiaries and are more adversely affected by reductions in Medicare payments. The proposal addresses the unique situation faced in rural areas through a number of measures, including establishing a capital loan fund to improve infrastructure of small rural facilities, providing assistance to develop technology related to new prospective payment systems, creating bonus payments for providers who serve independent hospitals, and ensuring rural facilities can continue to offer quality lab services to beneficiaries.

Hospice. Payments to hospices have not kept up with the cost of providing care because of the cost of prescription drugs, the therapies now used in end-of-life care, as well as decreasing lengths of stay. Hospice base rates have not been increased since 1989. The Senate Democrats' BBA Refinement proposal provides additional funding for hospice services to account for their increasing costs.

Nursing Homes. The BBA was expected to reduce payments to nursing homes by about $9.5 billion. The actual reduction in payments to SNFs over the period is expected to be significantly larger. A significant number of skilled nursing providers have gone into bankruptcy in the past two years. The Senate Democrats' BBA Refinement proposal:

Allows nursing home payments to keep up with increases in costs.

Further delays caps on the amount of therapy a patient can receive.

Medicare+Choice. Senate Democrats are committed to ensuring that appropriate payments are made to Medicare+Choice plans. In addition, for beneficiaries who have lost Medicare+Choice plans in their area, Senate Democrats have included provisions that strengthen fee-for-service Medicare and assist beneficiaries in the period immediately following loss of service.

Other Provisions. Access to other types of care and services are adversely affected by existing policy. The Senate Democrats' proposal will address high priority issues, including adequate payment for dialysis to assure access to quality care for end stage renal disease (ESRD) patients, training of geriatricians, and others.

Beneficiary Improvements. In addition to ensuring access to vital health care providers, the proposal includes refinements to Medicare that directly help beneficiaries. Senate Democrats continue to believe that passage of a universal, affordable, voluntary, and meaningful Medicare prescription drug benefit is of highest priority. Other improvements for beneficiaries include:

Lowering beneficiary coinsurance in hospital outpatient departments more quickly.

Removing current restrictions on payment for immunosuppressive drugs for organ transplant patients.

Allowing beneficiaries to return to the same nursing home after a hospital stay.

Medicaid and SCHIP. Improvements to the BBA as well as to immigration and welfare reform legislation that passed in 1996 could mean significantly improved access to health care for a number of uninsured people. Improvements in the proposal include:

Giving states the option to cover legal immigrant children and pregnant women.

Improving eligibility and enrollment processes in SCHIP and Medicaid.

Extending and improving the Transitional Medical Assistance program for people who leave welfare for work.

Giving states grants to develop home and community based services for beneficiaries who would otherwise be in nursing homes.

Creating a new payment system for Community Health Centers to ensure they remain a strong, viable component of our health care safety net.

Mr, DASCHLE. Mr. President, I yield the floor.

Mr. MOYNIHAN. Mr. President, I commend the distinguished Democratic Leader Senator DASCHLE on his statement and join him in supporting the Democratic BBA Refinement and Access to Care Proposal. As the Leader said, the Balanced Budget Act of 1997 (BBA) has cut Medicare spending far more than had been intended. Our Democratic proposal would spend $80 billion over 10 years to mitigate the unintended effects of the BBA on our nation's health care providers and beneficiaries.

In particular, I want to highlight that our package would prevent further reductions in payments to our Nation's teaching hospitals. The BBA, unwisely in my view, enacted a multi-year schedule of cuts in payments by Medicare to academic medical centers. These cuts would seriously impair the cutting edge research conducted by teaching hospitals, as well as impair their ability to train doctors and to serve so many of our nation's indigent.

Last year, in the Balanced Budget Refinement Act (BBRA), we mitigated the scheduled reductions in fiscal years 2000 and 2001. The package we are proposing today, would cancel any further reductions in what we call ''Indirect Medical Education payments,'' thereby restoring nearly $7 billion to our Nation's teaching hospitals.

I have stood before my colleagues on countless number of times to bring attention to the financial plight of medical schools and teaching hospitals. Yet, I regret that the fate of the 144 accredited medical schools and 1416 graduate medical education teaching institutions still remains uncertain. The proposals in our Democratic BBA refinement package will provide critically needed financing in the short-run. In the long-run, we need to restructure the financing of graduate medical education along the lines I have proposed in the Graduate Medical Education Trust Fund Act that I have introduced in the last 3 Congresses. That legislation would require the public and private sectors to provide support for graduate medical education. More on that later.

My particular interest in this topic goes back to 1994 when the Finance Committee took up the President's Health Security Act. As Chairman of the Committee I asked Paul Marks, then President of Memorial Sloan-Kettering, Cancer Center to arrange a ''seminar'' for me on health care issues. We convened on Wednesday, January 19, 1994 in the Laurance S. Rockefeller Boardroom at 10 a.m. At about a quarter past the hour I was told that the University of Minnesota might have to close its medical school.

Whereupon my education in this began. Minnesota is where the Scandinavians (Swedes) settled. They don't close medical schools; they open medical schools. What was going on? It was simple enough: managed care had reached the high plains. The good folk of Lake Wobegon had dutifully signed on, only to learn that market-based health plans do not send patients to teaching hospitals, because they cost too much. No teaching hospital; ergo no medical school.

In the Clinton Administration health security plan, they assumed health care costs would continue to rise. The Administration's solution to this was rationing—cut the number of doctors by one quarter, specialists by one-half and so on.

As I have described elsewhere, a dissenting paper dated April 26, 1993, by ''Workgroup 12'' of ''Tollgate 5,'' was written by a physician in the Veterans' Administration. Workgroup 12 was part of the 500 person Clinton health care task force. The paper began:

FOR OFFICIAL USE ONLY

Subject: Proposal to cap the total number of graduate physician (resident) entry (PGY–1) training positions in the U.S.A. to 110 percent of the annual number of graduates of U.S. medical schools.

Issue: Although this proposal has been presented in toll-gate documents as the position of Group 12, it is not supported by the majority of the members of Group 12 . . . .

Reasons not to cap the total number of U.S. residency training positions for physician graduates.

1. This proposal has been advanced by several Commissions within the last two years as a measure to control the costs of health care. While ostensibly advanced as a manpower policy, its rationale lies in economic policy. Its advocates believe that each physician in America represents a cost center. He not only receives a high personal salary, but is able to generate health care costs by ordering tests, admitting patients to hospitals and performing technical procedures. This thesis may be summarized as: To control costs, control the number of physicians.

Despite the lack of support for this proposal in the task force, the Clinton Administration moved ahead anyway with its workforce proposals. In the 1,362 page bill (S. 1775) that I introduced for the Clinton Administration, this appeared:

. . . the National Council [on Graduate Medical Education] shall ensure that, of the class of training participants entering eligible programs for academic year 1998–99 or any subsequent academic year, the percentage of such class that completes eligible programs in primary health care is not less than 55 percent (without regard to the academic year in which the members of the class complete the programs).

The Clinton Administration also proposed to limit the number of residents based on the number of graduates from American medical schools. Although there was no explicit cap in the bill that I introduced for the Clinton Administration, subsequent legislation, such as that offered by Senator Mitchell, included a cap of 110 percent.

As this was all done in secret—and buried in a 1,362 page bill—there was no national debate on this Clinton Workforce proposal. When all else fails, the press is supposed to step in. It did not. The 1993–1994 Nexis tabulation for the Times, East Coast and West Coast uncovered only 3 articles pertaining to the Clinton workforce proposal compared to thousands of articles on health reform.

Not surprisingly, the Finance Committee went in a different direction. Charles J. Fahey, on behalf of the Catholic Health Association, told us that we were witnessing the ''commodification of medicine.'' Further down the witness table we were told that a spot market had developed for bone-marrow transplants in Southern California. In other words we need not worry about rising costs, competition would depress prices. Indeed, Medicare costs actually declined in 1999.

But take note—there would be side effects. Markets do not provide public goods so teaching hospitals would be at risk. Everyone benefits from public

goods but no one has any incentive to pay. It follows that for the most part teaching hospitals have to be paid for by the public, indirectly through tax exemption or directly through expenditure.

On June 29, 1994, the Finance Committee Chairman's Mark—as we refer to these things—of the Health Security Act provided for a Graduate Medical Education and Academic Health Center Trust Fund to be financed by a 1.5 percent tax on all private health care premiums. An additional levy of .25 percent was added on to pay for medical research as proposed by Senator Hatfield. A motion to strike the 1.75 percent premium tax failed by 13 votes to 7. And we were not bashful about calling this assessment a tax, to wit:

''(a) IMPOSITION OF TAX.—There is hereby imposed—

''(1) on each taxable health insurance policy, a tax equal to 1.75 percent of the premiums received under such policy, and

''(2) on each amount received for health-related administrative services, a tax equal to 1.75 percent of the amount so received.

The bill, as reported out of the Finance Committee, set a goal of covering 95 percent of Americans through subsidies to help low-income people buy health insurance, as well as reforms in the private health insurance market. A National Health Care Commission was to make recommendations for reaching:

95 percent health insurance coverage in community rating areas that have failed to meet that target.

I might note that the Senate Finance Committee was the only committee that reported a bill that was actually taken up on the Floor. However, upon taking up the Finance Committee bill, Senate Majority Leader George Mitchell offered his own substitute health reform plan which became the focus of the ultimately fruitless Senate debate.

Future prospects, for these fine institutions, are not all that they should be. During negotiation of the Balanced Budget Refinement Act of 1999 Senator ROTH and I, with assistance from my good friend Congressman RANGEL, were able to forestall some of the scheduled deep cuts in indirect medical education payments, but, I'm afraid, only temporarily.

There were proposals about—for example by the Bipartisan Commission on the Future of Medicare, Chaired by Senator BREAUX—that would subject Graduate Medical Education payments to the appropriations process. Fifty-five of my colleagues, including Senators STEVENS and BYRD, the Chairman and Ranking Member of the Appropriations Committee, joined with me to oppose this approach.

In a February, 1999 letter, we pointed out the critical role of America's teaching hospitals in clinical research and health services research.

Teaching hospitals play a vitally important role in the nation's health care delivery system. In addition to the mission of patient care that all hospitals fulfill, teaching hospitals serve as the pre-eminent setting for the clinical education of physicians and other health professionals. . . . In order to remain the world leader in graduate medical education, we must continue to maintain Medicare's strong commitment to the nation's teaching hospitals.

I'm happy to report that in the final version of the Commission's report, they seem to have relented somewhat recommending that:

Congress should provide a separate mechanism for continued funding [of Graduate Medical Education] through either a mandatory entitlement or multi-year discretionary appropriation program.

What is needed is explicit and dedicated funding for these institutions, which will ensure that the United States continues to lead the world in this era of medical discovery. The Graduate Medical Education Trust Fund Act would require that the public sector, through the Medicare and Medicaid programs, and the private sector through an assessment on health insurance premiums, provide broad-based financial support for graduate medical education. The Clinton Administration proposed something similar as part of the Health Security Act. Funding for Graduate Medical Education would come from Medicare and from corporate and regional health alliances—but there was no way anyone could have known it as they attempted to trace the flow of money between and among these corporate and regional health alliances.

My bill would roughly double current funding levels for Graduate Medical Education and would establish a Medical Education Advisory Commission to make recommendations on the operation of the Medical Education Trust Fund, on alternative payment sources for funding graduate medical education and teaching hospitals, and on policies designed to maintain superior research and educational capacities.

After this year, I will not be there fighting in the last hours of a legislative session to preserve funding for Graduate Medical Education. The vehicle to preserve that funding, I would maintain, remains the trust fund legislation that I first introduced in June 1996.

As I said at the opening of my statement, I am pleased that the $80 billion package the Democratic Leader has announced today, would cancel scheduled cuts in ''Indirect Medical Education'' payments to our Nation's teaching hospitals, restoring about $7 billion over 10 years to those institutions. But this is only an interim step. I strongly urge that we take the next step which would be to enact my proposal for a Medical Education Trust Fund, which would ensure an adequate, stable source of funding for these vital institutions.

The PRESIDING OFFICER. Under the previous order, the Senator from Montana is recognized for 5 minutes.

MISSOURI RIVER RIDER

Mr. BAUCUS. Mr. President, I rise to join the minority leader and others who have expressed strong opposition to section 103 of the energy and water appropriations bill, which affects the management of the Missouri River.

From the debate that we've had thus far, you might think that this is pretty straightforward. Upstream states against downstream states, in a conventional battle about who gets water, how much they get, and when they get it.

I'm not going to kid anybody. That is a big part of the debate. I'm from an upstream state. We believe that we've been getting a bad deal for years. We want more balanced management of the system. That will, among other things, give more weight to the use of the water for recreation upstream, at places like Fort Peck reservoir in Montana.

Under the current river operations, there are times when the lake has been drawn down so low that boat ramps are a mile or more from the water's edge.

Our project manager at Fort Peck, Roy Snyder, who does a great job at that facility, has talked to me about how much healthier the river would be with a spring rise/split season management.

But it's not just a conventional battle over water. There's more to it. A lot more.

You wouldn't necessarily know that from the text of the provision itself. It says that none of the funds made available in the bill:

. . . may be used to revise the Missouri River Master Water Control Manual when it is made known to the Federal entity or official to which the funds are made available that such revision provides for an increase in the springtime water release program during the spring heavy rainfall and snow melt period in States that have rivers draining into the Missouri River below the Gavins Point Dam.

That's what the bill says.

Here's what it does.

Simply put, it prohibits the Secretary of the Army from obeying the law of the land. Specifically, it prohibits the Secretary from complying with the Endangered Species Act.

Let me explain. Like any other Federal agency, the Army Corps of Engineers has a legal obligation, under section 7 of the Endangered Species Act, to operate in a way that does not jeopardize the existence of any endangered species.

That's just common sense. After all, private landowners have to comply with the Endangered Species Act. Why should federal agencies get a free pass?

They shouldn't. The federal government should do its part. That's why section 7 is a fundamental part of the ESA. Without section 7, the ESA would be unfair to private landowners and, in many cases, would provide no protection for endangered species whatsoever.

Let's turn to the Missouri River. The river provides habitat for three endangered species: The pallid sturgeon, the piping plover, and the least interior tern.

Accordingly, in developing its new master manual, which will govern the

operation of the river, the Corps is legally required to propose a management approach that protects the habitat for these three species.

Now, under section 7, when there's a pretty good chance that a federal agency's actions might jeopardize a species, the agency must consult with the Fish and Wildlife Service.

That's the right approach. When it comes to the nuts and bolts of running a river system, the Corps is the expert. But, when it comes to the nuts and bolts of protecting a species, the Fish and Wildlife Service is the expert. No question.

So, as it is legally required to do, the Corps has consulted with the Fish and Wildlife Service, initially under what's called the ''informal consultation process.''

There have been problems. Serious problems.

When the Corps issued the first Environmental Impact Statement for the Master Manual, back in 1994, the Fish and Wildlife Service issued a draft opinion saying that, in it's judgment, the proposed operation would jeopardize the three species.

In 1998, the Corps issued a revised EIS. Once again, the Fish and Wildlife Service said that, in it's judgment, the proposed operation still would jeopardize the three species.

Then we made progress. On March 30 of this year, the Corps announced that it was entering into a formal consultation with the Fish and Wildlife Service and would rely on the Service's biological judgment to propose an alternative that does not jeopardize the species. In other words, it would fully comply with the ESA.

We expect the Fish and Wildlife Service to issue it's biological opinion any day now. That opinion will explain, based on the best scientific information available, how to provide the needed protection for the recovery of the 3 endangered species on the river.

Nobody outside the agency knows for sure what the biological opinion will say. But, based on all of the scientific discussion that's gone on so far, there's a good likelihood that it will require more releases of water in the spring, to maintain the instream flows necessary to provide habitat for the sturgeon, plover, and tern.

That probably will mean fewer releases in the summer which, some will argue, could affect barge traffic downstream.

That's where section 103 of the bill comes in. It prevents the Corps releasing more water in the spring.

In other words, if the biological opinion comes out the way most folks expect it to, section 103 prevents the Corps from complying with the Endangered Species Act.

So, again, this debate is not just about the allocation of water between upstream and downstream states.

The debate is also, fundamentally, about whether, in one fell swoop, we should waive the application of the Endangered Species Act to one of the largest rivers in the country. The river, I might add, that is the wellspring of the history of the American west.

I suggest that the answer is obvious. We should not.

Mr. President, let me also respond to a point that some of the supporters of section 103 have made.

They argue, in essence, that we've lost our chance. Sort of like the legal notion of estoppel. This provision has been in the bill for several years, they argue. We've never tried to delete it before.

So, I suppose they're trying to imply, it's somehow inappropriate for us to raise it now.

This argument is a red herring. A distraction.

Up until now, we've never been in a situation in which there was an impending biological opinion under the endangered Species Act. So, by definition, the earlier provisions did not override the Endangered Species Act.

What's more, in the absence of a biological opinion, there was no real likelihood that the Corps would implement a spring rise.

So the provision was theoretical. Symbolic. It had absolutely no practical effect.

Now, Mr. President, it most certainly will. That's why we are raising the issue.

One final point. If we pass section 103, and the Corps is directed to operate the system in violation of the Endangered Species Act, there will be a lawsuit.

That will have two effects. First, it will slow things down. Second, it may well put us in the position of having the river operated, in effect, by the courts rather than by the Corps.

We've seen this happen along the Columbia Snake River system, and it's not been an easy experience for anyone.

In closing, I suggest that there's a better way. After all, once a biological opinion is issued, there will be an opportunity for public comment, so this decision will not be made in a vacuum.

In fact, there have been countless public meetings and forums on the revision of the Master Manual over the years. And that's as it should be.

So let's not create a special exemption for the Corps. Let's require them to abide by the same law that we apply to everybody else.

Let's allow the regular process to work. Let's allow the agencies to continue to consult and figure out how to strike the balance that's necessary to manage this mighty and beautiful river: for upstream states, for downstream states, and for the protection of endangered species; that is, for all of us.

PNTR

Mr. BAUCUS. Mr. President, I am very glad the Senate has voted to invoke cloture and will finally get to the bill granting China permanent normal trade relations status. That bill will come up in September. That legislation has the strong support of at least three-quarters of the Members of this body, and it is deeply in our national interests. We should have rapidly disposed of it months ago. But later is better than never. I hope very much when we bring it up in September that we have a very large vote—at least three-quarters, as I earlier stated.

When we make that vote, it will be a profound choice. The question will be, Do we bring China into the orbit of the global trading community with its rule of law? Or do we choose to isolate and contain China, creating a 21st century version of a cold war in Asia?

China is not our enemy. China is not our friend. The issue for us is how to engage China, and this means engagement with no illusions—engagement with a purpose. How do we steer China's energies into productive, peaceful, and stable relationships within the region and globally? For just as we isolate China at our peril, we engage them to our advantage.

The incorporation of China into the WTO—and that includes granting them PNTR—is a national imperative for the United States of America.

I might add that when the debate comes up on PNTR in September, various Senators will offer amendments, as is their right, to that legislation. I think it is essential that we maintain the integrity of the House-passed bill. Many of those amendments that will be coming are very worthy amendments, and in another context they should pass. I would vote for them. But to maintain the integrity of the House-passed bill, I will strongly urge my colleagues to vote against amendments that are added on to the PNTR legislation, as worthy as they are, even though Senators certainly have a right to bring them up, because if those amendments were to pass, we would no longer be maintaining the integrity of the House-passed bill. But the bill would have to go back to conference, and that would, in my judgment, jeopardize passage of PNTR to such a great degree that we should take the extraordinary step of not passing those amendments.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I rise to address the body on an issue.

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

Mr. WELLSTONE. Mr. President, I rise to participate in the debate on the motion to proceed. But I have been doing work with my colleague, Senator BROWNBACK. I ask unanimous consent that I be allowed to follow Senator BROWNBACK.

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

The Senator from Kansas is recognized.

Mr. BROWNBACK. Thank you, very much, Mr. President. I thank my colleague from Minnesota for doing that.

TRAFFICKING VICTIMS PROTECTION ACT OF 2000

Mr. BROWNBACK. Mr. President, I recognize my colleague from Minnesota today, for legislation that he and I have been working on together has passed this body. It previously passed the House, and now will go to conference. It is The Trafficking Victims Protection Act of 2000. It is a bill—one of the first perhaps in the world—to address the growing ugly practice of sex trafficking where people are traded into human bondage—again, into the sex and prostitution business around the world. It is an ugly practice that is growing. More organized crime is getting into it. It is one of the darker sides of globalization that is taking place in the world.

It is estimated that the size of this business is $7 billion annually, only surpassed by that of the illegal arms trade on an illegal basis. If those numbers aren't stark enough, the numbers of the individuals involved is stark enough.

Our intelligence community estimates that up to 700,000 women and children—primarily young girls—are trafficked, generally from poorer countries to richer countries each year, and sold into bondage; raped, held against their will, locked up, and food withheld from them until they submit to this sex trade. That is taking place in our world in the year 2000. Our intelligence community estimates that 50,000 are trafficked into the United States into this ugly traffic.

I had a personal experience with this earlier this year. In January, I traveled to Nepal and met with a number of girls who had been trafficked and then returned. They had been tricked to leave their villages. Many of them were told at the ages of 11, 12, or 13: Come with us. We are going to get you a job as a housekeeper, or making rugs, or some other thing in Bombay, India, that will be much better than what you are doing now.

Their families don't have the wherewithal to pay their livelihood. Their families are poor as can be. They are not able to feed them, and the families say: Go ahead.

They then take them across the border. They take their papers from them. They force them into brothels in Bombay or Calcutta or somewhere else and force them into this trade.

Some of these girls make their way back at the age of 16 or 17 years of age. Two-thirds of them now carry AIDS and/or tuberculosis. Most of them come home to die.

It is one of the ugliest, darkest things I have seen around the world.

The Senate took the step today to start to deal with this practice that is occurring around the world, and that is occurring in the United States.

My colleague, Senator WELLSTONE, and I worked this legislation together to be able to get it moved through this body.

I am so thankful to him and other people who have worked greatly on this legislation to get it passed.

I particularly want to recognize, on my staff, Sharon Payt, who has leaned in for a long time to be able to get this done.

This is the new, modern form of slavery.

Trafficking victims are the new enslaved of the world. Until lately, they have had no advocates, no defenders, no avenues of escape, except death, to release them from the hellish types of circumstances and conditions they have been trafficked into. This is changing rapidly—a new movement of awareness is forming to wrench freedom for the victims and combat trafficking networks. This growing movement runs from 'right' to 'left,' from Chuck Colson to Gloria Steinem, and from SAM BROWNBACK to PAUL WELLSTONE. Our legislation, which passed today, is part of that movement, providing numerous protections and tools to empower these brutalized people toward re-capturing their dignity and obtaining justice, and getting their lives back.

Trafficking has risen dramatically in the last 10 to 15 years with experts speculating that it could exceed the drug trade in revenues in the next few decades. It is coldly observed that drugs are sold once, while a woman or child can be sold 20 and even 30 times a day. This dramatic increase is attributed also to the popularizing of the sex industry worldwide, including the increase of child pornography, and sex tours in Eastern Asia. As the world's dark appetite for these practices grows, so do the number of victims in this evil manifestation of global trade.

The victims are usually transported across international borders so as to 'shake' local authorities, leaving them defenseless in a foreign country, virtually held hostage in a strange land. Perpetrating further vulnerability, often they are ''traded'' routinely among brothels in different cities. This deliberate ploy robs them of assistance from family, friends, and authorities.

The favorite age for girls in some countries is around 13 years of age. I have a 14-year-old daughter and it almost makes me cry to think of somebody being taken out of the home at that age and submitted and subjected and forced into this type of situation. Thirteen is the favorite age. There is a demand particularly for virgins because of the fear of AIDS. Now, imagine, your daughter, your sister, your granddaughter in that hellish condition.

International trafficking routes are very specific and include the Eastern European states, particularly Russia and the Ukraine, into Central Europe and Israel. Other routes include girls sold or abducted from Nepal to India—the Nepalese girls are prized because they are beautiful, illiterate, extremely poor with no defenders, and compliant, making it easy to keep them in bondage. In Eastern Asia, most abductees are simple tribal girls from isolated mountain regions who are forced into sexual service, primarily in Thailand and Malaysia. These are only a few of the countless but repeatedly traveled routes.

One of two methods, fraud or force, is used to obtain victims. Force is often used in the cities wherein, for example, the victim is physically abducted and held against her will, sometimes in chains, and usually brutalized through repeated rape and beatings. Regarding fraudulent procurement, typically the ''buyer'' promises the parents that he is taking their daughter away to become a nanny or domestic servant, giving the parents a few hundred dollars as a ''down payment'' for the future money she will earn for the family. Then the girl is transported across international borders, deposited in a brothel and forced into the trade until she is no longer useful having contracted AIDS. She is held against her will under the rationale that she must ''work off'' her debt which was paid to the parents, which usually takes several years, if she remains alive that long.

A Washington Post article, Sex Trade Enslaves East Europeans, dated July 25th, vividly captures the suffering of one Eastern Europe woman who was trafficked through Albania to Italy: ''As Irina recounts the next part of her story, she picks and scratches at the skin on her face, arms and legs, as if looking for an escape . . . she says the women were raped by a succession of Albanian men who stopped by at all hours, in what seemed part of a carefully organized campaign of psychological conditioning for a life of prostitution.'' This insidious activity must be challenged, and our legislation would do exactly that. That is what this body has passed today.

This legislation establishes, for the first time, a bright line between the victim and perpetrator. Presently, most existing laws internationally fail to distinguish between victims of sexual trafficking and their perpetrators. Sadly and ironically, victims are punished more harshly than the traffickers, because of their illegal immigration status and lack of documents (which the traffickers have confiscated to control the victim).

In contrast, our legislation punishes the perpetrators and provides an advocacy forum to promote international awareness, as well as providing the following:

Criminal punishment for persons convicted of operating as traffickers in the U.S.

Creates a new immigration status termed a ''T'' visa for trafficking victims found in the U.S., to promote aggressive prosecution of traffickers.

Directs USAID, as well as domestic government agencies to fund programs

for victim assistance and awareness to help stop this practice, both overseas and domestically.

Establishes an annual reporting mechanism to identify trafficking offenders, both individual and country-specific.

Advances rule of law programs to promote combating of international sex trafficking.

Authorizes grants for law enforcement agencies to investigate and prosecute international trafficking, and assist in drafting and implementation of new legislation.

In closing, there is a unique generosity in the American people, who are defined by their vigilance for justice. As we challenge this dehumanizing practice, an inspired movement is growing in America and worldwide. Sparking this awareness are courageous groups which deserve acknowledgment, including the International Justice Mission with Gary Haugen, and the Protection Project with Dr. Laura Lederer, among several others. Both Senator WELLSTONE and I hope this legislation is the beginning of the end for this modern-day slavery known as trafficking.

Mr. President, we had five major health organizations come together and identify the violence in our entertainment that is harming our children. The organizations include the American Medical Association, American Psychological Association, American Academy of Child and Adolescent Psychiatry, the American Academy of Family Physicians, and the American Academy of Pediatricians.

I turn the floor back over to my colleague from Minnesota. Today, his interest has culminated in this legislation passing this body. This is the most significant human rights legislation we have passed this Congress, if not for several years. This is going to save lives. It will start identifying this pernicious, ugly, dark practice around the world for what it is. We are going to start saving people's lives as a result of it.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, the Senate tonight passed the Trafficking in Victims Protection Act of 2000. Similar legislation passed the House. The conference committee is committed to this legislation. I don't think there is any question but that the Congress is going to pass this bill. This was a huge step forward.

I thank Senator BROWNBACK who for 3½ years, at least, has been working on this. It started with my wife Sheila, who brought this to my attention. I remember meeting with women from Ukraine—which is where my father was born—describing what had happened to them.

Senator BROWNBACK is absolutely right. This is one of the brutal aspects of this new global economy. It supplements drug trafficking, except quite often it is more profitable, believe it or not, because the women—girls—are recycled over and over again. We are talking about close to 1 million women and girls, the trafficking of these women and girls for purposes of forced prostitution or forced labor.

We are talking about the trafficking of some 50,000 women, girls, to our country. Two miles away, in Bethesda, there was a massage parlor with a group of girls from Ukraine. The country is in economic disarray. They thought this was an opportunity. They came to our country. Their passports were taken away. They were isolated. Senator BROWNBACK talked about the isolation. They were beaten up. They were raped. They were forced into prostitution. In our country, in the year 2000, this goes on in the world, and in the United States of America.

This legislation would never pass without the leadership of Senator BROWNBACK and the leadership of Sharon Payt. I thank Wes Carrington, who is on the floor with me, and Jill Hickson, two fellows who have been gifts from Heaven, and Charlotte Moore, who has been working on this, and my wife Sheila.

I could talk for hours about this, but I will emphasize a couple of key aspects. First, prevention, a focus on doing the public information work in these countries and work with the consulates so these girls have some understanding of what their rights are, so they are warned about the dangers of this when the recruiters are out there to try to prevent this from happening in the first place; and an emphasis on how you can get economic development from microenterprise to opportunities for women. Part of the problem is the way in which women are so devalued in too many nations. Also, the grinding poverty.

Second, protection. The bitter, bitter, bitter irony, colleagues, is that quite often the victims are the ones who are punished, and these mobsters and criminals who are involved in the trafficking of these women and girls with this blatant exploitation get away with literally murder.

One of the problems is that these girls and women can't step forward because then they will be deported. So we have an extension of temporary visas for up to 3 years for the women, girls, and a final decision is made as to whether or not they can stay in the country.

In addition, there is some help for them. We have in Minnesota the Center for the Treatment of Torture Victims. It is a holy place. It is a spiritual place. Most of these women and men come from Africa. They have been through a living hell. We read about child soldiers. We read about what is happening. It takes a long time for people to be able to rebuild their lives when they have been through this, when they have been tortured.

There are 120 governments today in the world that are engaged in this systematic use of torture today; the same thing for these women and girls. Imagine what it is like for them. There is help for them.

Finally, prosecution, and taking this seriously, treating it as a crime so, for example, if you are trafficking a young girl under the age of 14 and forcing her into prostitution, you face a life sentence in prison.

And finally, not automatic sanctions but a listing of those governments which are involved in the trafficking, which have turned their gaze away and refused to do anything about it. With it being up to a President, be he Democrat or Republican or she a Democrat or Republican, in the future, as to whether or not there is an action to be taken.

It is a good piece of legislation. I think Senator BROWNBACK is right. I think it is the human rights legislation to pass the Congress. It will pass. Mr. Koh, Assistant Secretary of Human Rights at the State Department, has been great. The administration has been supportive. We have had a lot of support from Democrats and Republicans here, and I really feel good about it.

I said to Senator BROWNBACK, I think Senator BENNETT can appreciate this because I think he is like this—the first part I don't want to say is his view—but there are some days where I just cannot decide whether or not I have really been able to help anybody. You try, but you just sometimes get so frustrated. I think this piece of legislation we passed will help a lot of people. I really do, I say to Senator BROWNBACK. I think it is a good model for other governments, other countries. I am not being grandiose here. I think we can get this out to a lot of fellow legislators in other nations and other NGOs. I know there is a lot of interest.

I rise to speak about this bill, to tell my colleague from Kansas, Senator BROWNBACK, I appreciated working with him, and to say to the Senate—all the Senators; after all, this passed by unanimous consent—thank you, thank you for your support.

THE DEBATE ON CHINA

Mr. WELLSTONE. Mr. President, if it is OK with Senator BROWNBACK, I want to briefly respond to my colleague from Montana. I will do it under 10 minutes, to anticipate the debate we are going to have on China.

I think some of this debate has already become confused. My father was born in Odessa, Ukraine, then moved to Russia in the Far East Siberia. His father was a hatter trying to stay ahead of the czarist troops—Jewish. He then moved to Harbin, then to Peking, then came over to the United States of America when he was 17, in 1914, 3 years before the revolution. He then was going to go back, because first it was the Social Democrats but then the Bolsheviks, the Communists, took over, and his family told him not to come back. I believe his father lost all of his family to Stalin. I think they

were all murdered, because all the letters stopped.

My father is no longer alive. He spoke 10 languages fluently and was really—you would have liked him, Mr. President.

My father taught me that we should value human rights. Our country is a leader in this area. When we turn our gaze away from the persecution of people and the violation of human rights of people in the world, we diminish ourselves.

This debate we are going to have after Labor Day is not about whether or not we should have trade with China. We have trade with China. We have a tremendous amount of trade. In fact, we have a huge trade deficit, I think to the tune of about $70 billion.

It is not about whether we should have an embargo of China like an embargo of Cuba. I don't think the embargo of Cuba makes much sense, and certainly no one I know is recommending an embargo of China.

It is not about whether or not we want to isolate China. China is not going to be isolated. China is very much a part of the international economy.

The debate is about whether or not we maintain for ourselves the right to annually review trade relations with China so we at least have some small amount of leverage when it comes to human rights.

According to the State Department report last year on human rights in China:

> The Government's poor human rights record deteriorated markedly throughout the year, as the Government intensified efforts to suppress dissent, particularly organized dissent. Abuses includes instances of extrajudicial killings, torture, mistreatment of prisoners, and denial of due process.

The Commission on Religious Freedom chaired by David Saperstein recommended that we not automatically grant normal trade relations with China because of the religious persecution in China and laid out a series of criteria that should be met, and that will be the first amendment I will introduce.

Yes, to us giving China most favored nation status. But not until they at least meet basic, simple, elementary criteria so the people in China have the right to practice their religion. Are we going to turn our gaze away from that?

According to Amnesty International, ''throughout China mass summary executions continue to be carried out. At least 6,000 death sentences and 3,500 executions were officially recorded last year.''

The real figures are believed to be much higher.

In the debate, I will talk about Wei Jingsheng and Harry Wu—people, in addition to these statistics. But let me be clear to my colleagues. After all the discussion about all the economic relations having led to opening up society and it has all changed, the human rights record has deteriorated. There is not one Senator who can come to the floor and make the argument that, because of trade relations—I understand investment opportunities making a lot of money—the human rights record has improved in China, or that the situation in Tibet has improved, or that people now can practice their religion. It is not true. Don't we want to maintain just a little bit of leverage and just say we have the right to annually review our trade relations with China?

One other point. I think what you are going to see is not more exports to China. I am going to hold every single Senator and I am going to hold the administration accountable as well.

The President came to my State of Minnesota. He said we were going to have all these exports in agriculture, and it was going to help out family farmers who were struggling to survive. I don't know if that is going to be the case. There are 700 million farmers in China. I do know this. What is more likely to happen is there will be more exports in China and multinational corporations will go to China and China will become even more of a low-wage export platform or, for that matter, you will have large grain companies producing corn in China well below the cost of production for family farmers in our own country.

Wal-Marts pay 14 cents an hour. Other U.S. companies pay 5 cents and 6 cents an hour. If you should try to organize a union in China, you would wind up in prison.

So I will have three other amendments, and I will yield the floor on this. I will have an amendment that deals with forced prison labor conditions in China and says: Enough of this, if we are going to have normal trade relations. I will have another amendment that says the people in China should have the right to form independent unions and not wind up in prison. And I will have a final amendment that will basically say that in our State, our workers should have the right to organize; there should be labor law reform; no longer should it just be the company that gets to talk to employees during an organizing drive; no longer should companies be able to illegally fire workers, have it be profitable, and not have to pay stiff back penalties, back fines.

We are forever being told now that we live in a global economy. And that is true. But the implications of that statement are seldom recognized. To me that means, if we truly care about human rights, we can no longer just be concerned about human rights at home. If we live in a global economy and we truly care about religious freedom, then we can no longer just be concerned about religious freedom at home. If we are in a global economy and we truly care about the rights of organizers to organize and be able to make a decent living so they can take care of their families, then we have to be concerned not just about the rights of organizers in our country but organizers in the world. And if we truly care about the environment, then we can no longer concern ourselves with just environmental protections at home, but environmental protections in other countries as well.

Do you know that a large majority of the Senate is all for this—automatically extending normal trade relations with China or most favored nation trade status? Do you know what the polls show? The polls show Americans oppose eliminating any review of China's human rights record by 65 to 18 percent; 67 percent oppose China's admission to the WTO, although that is not what this debate will be about; and 83 percent of the people in our country support inclusion of strong environmental and labor standards in future trade agreements.

My colleague—1 minute left—my colleague from Montana, whom I enjoy, said: I am going to call on all Senators to vote against all amendments.

I am going to tell Senators a lot of these amendments are substantive and they are serious. Look at what we had happen on several of these tax bills, the majority leader came out after we had passed amendments and then introduced an amendment that wiped out all those amendments.

I am going to remind Senators of that precedent. I am going to remind Senators that you cannot go back home and explain with much credibility to the people you represent that you would not vote for the people in China to have the right to practice their religion; you would not vote for basic support for human rights; you would not vote for people to organize a union and not wind up in prison; you would not vote for labor law reform because you said: Oh, well, you see, we had to go into conference committee and we had to keep it clean and I could not vote for that.

A, that is not true; B, it is the ultimate Washington insider argument. One has to vote for what one thinks is right. One has to vote for the substance of each one of these amendments. That is the challenge I present to my colleagues. I look forward to this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak as in morning business for up to 15 minutes.

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

Mr. BROWNBACK. I thank the Chair.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 2982 are located in today's RECORD under ''Statements on Introduced Bills and Joint Resolutions.'')

Mr. BROWNBACK. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. GORTON. 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 Washington.

THE NEED FOR PIPELINE LEGISLATION

Mr. GORTON. Mr. President, on June 15, under the leadership of Chairman MCCAIN, the Senate Commerce Committee passed a bill reauthorizing and amendment the Pipeline Safety Act. This bill is, in my view, the single most important piece of legislation the committee will address this session. Following a June 10, 1999, accident in Bellingham, WA, that killed three children, blackened a magnificent city park, and sent shock waves through the community and State, Senator MURRAY and I have been working in front of and behind the scenes to see the Federal law regulating the operation of pipelines is changed: that communities and citizens are better informed about pipelines; that States can obtain a clear role in the oversight of interstate pipelines; that the Federal Office of Pipeline Safety adopts more meaningful safety standards; and that funding is increased for Federal and State pipeline safety operations.

While we are well on our way to accomplishing this last goal—the Senate has provided a significant increase in funding for the Office of the Pipeline Safety, and I have earmarked matching Federal funds for Washington State to supplement the funds appropriated by the State legislature for expanded safety activities—securing passage of the authorizing legislation has proven more difficult. I come to the floor to tell my colleagues that I will not rest in seeking the enactment of meaningful legislation this year. I am by nature a determined man, and my resolve on this issue has been strengthened by the example set by the Mayor of Bellingham, whose interest in this matter has not been half-hearted or expedient, but who has devoted and continues to devote time, resources, and thought to what we can do to make pipelines safer. I am committed to seeing that his efforts and my own are not in vain.

The bill that passed the Commerce Committee is a good one. It makes meaningful changes in Federal law. S. 2438 requires the Federal Office of Pipeline Safety to implement the recommendations of the Inspector General of the Department of Transportation by completing rulemakings that are long overdue, collecting better information to determine the causes of pipeline accidents, and providing better training to OPS inspectors. It accelerates the deadline for operators to prepare plans for training and qualifying their employees. It requires that information about pipeline incidents and safety-related conditions be made available to the public and that operators work with local communities to educate them about the location and risks of pipelines and what to do in case of an accident. The bill increases fines for violations, and explicitly provides a role for States in the oversight of interstate pipelines. It provides more funding for the Office of Pipeline Safety and direction on areas of research and development to focus on to improve safety.

In addition, the bill imposes on operators of pipelines of any length—not just longer pipelines as suggested by the administration—an obligation to conduct risk analyses and to adopt integrity management plans for high consequence areas—plans that provide for periodic assessments of pipelines' integrity. S. 2438 ensures that OPS will have easier access to operator information, and lowers the liquid spill reporting threshold to 5 gallons. It creates a national database of pipeline events and conditions. The bill contains protections for whistle blowers. Significantly, the bill also authorizes the Secretary to create a pilot program for State safety advisory committees to allow for meaningful citizen input into safety issues of local and State concern, and to monitor the performance of the Office of Pipeline Safety.

The bill, in summary, substantially improves current law. Unfortunately, in its current form, I am told, the bill will be stopped by a pipeline industry that can prevent its passage by getting any single Member to place a ''hold'' on the bill once the committee report is filed. At another time, however, when the Senate is able to debate the measure, the reforms could be much less palatable to industry. It has already been over a year since the fatal accident in Bellingham, and the public should not have to wait longer for improvements to the federal pipeline law.

While I led the effort to defeat amendments offered in the Commerce Committee that I thought undermined this legislation, I recognized then, as I do now, that some of the issues raised by industry should be and must be addressed if we are to enact legislation this year.

I have tried, since the committee passed the bill, to understand and address industry concerns in a reasonable manner. While I think we are getting close on a number of issues, I am growing impatient, particularly with the industry's continued opposition to allowing State and local input on pipeline safety issues of local concern. At some point—and this point will come very soon after our return from the August recess—I will ask my colleagues, one by one if necessary, to join me in voting for S. 2438 and a sound manager's amendment. I trust by that time they will be satisfied that the pipeline industry has had a fair opportunity to work out a reasonable compromise and that the time has come for Congress to act in the interest of all Americans.

NOTICE

Incomplete record of Senate proceedings.

Senate proceedings will be continued in the next issue of the Record.

EXTENSIONS OF REMARKS

DECLARE INDIA A TERRORIST NATION

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DOOLITTLE. Mr. Speaker, recently 20 of us wrote to the President urging him to declare India a terrorist nation. India has done a lot to deserve this designation.

In the letter, we expressed our concern about the massacre of 35 innocent Sikhs in Chithi Singhpora, which took place while the President was visiting India in March. Two independent investigations have now confirmed that the Indian Government carried out this atrocity.

After the massacre, the government killed five Kashmiri Muslims, declaring them militants who were responsible for the massacre. Now they have admitted that the Muslims they killed were innocent. When will they admit their role in the massacre itself?

Until the minority peoples and nations of India enjoy freedom, there can be no stability in the subcontinent. It becomes increasingly clear every day that they cannot enjoy that freedom within Hindu India. America can also help to bring freedom to South Asia by cutting off our aid to India and by openly supporting self-determination for the people of the Sikh homeland of Punjab, Khalistan, the predominantly Muslim Kashmir, Christian Nagalim, and the other nations seeking their freedom from India.

Mr. Speaker, I am submitting the letter to the President into the RECORD for the information of my colleagues. It describes the situation in India in much more detail than I can possibly go into here.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 15, 2000.

HON. BILL CLINTON, President of the United States
The White House, Washington, DC.

DEAR MR. PRESIDENT: While you were visiting India, 35 innocent Sikhs were massacred in the village of Chatti Singhpora in Kashmir. In recent days it has been reported that the Indian government admitted that the five Kashmiri Muslims it killed as ''militants'' responsible for the massacre were innocent. The Punjab Human Rights Organization and the Movement Against State Repression recently issued a report showing that the government's counterinsurgency forces, under the command of RAW, the Indian intelligence agency, carried out this massacre. An intensive investigation by the International Human Rights Organization also concluded that the Indian government carried out the massacre. Indian Home Minister L.K. Advani identified the Chatti Singhpora massacre as one of three recent events that have helped strengthen India's standing in world opinion. He implicitly admits that India benefitted from this atrocity.

If India can admit that the Muslims it killed are innocent, when will it admit its own responsibility for the Chatti Singhpora massacre? This is a terrible atrocity and the United States must condernn it in the strongest possible terms. America must take action to make it clear that these actions are unacceptable.

India has also committed similar acts of terrorism against its Christian population. Recently, six Christian missionaries were beaten by militant Hindu fundamentalists while distributing Bibles and religious tracts as part of a gospel campaign called ''Love Ahmedabad.'' They were beaten so savagely that one of them may lose his arms and legs. In Indore, St. Paul's Church was attacked. These acts are part of a campaign of terror against Christians that has been in full swing since Christmas 1998. Whether one is a Sikh, a Muslim, a Christian, or a member of another minority, there is no religious freedom in India, despite its claim that it is democratic. The essence of democracy is respect for the rights of all people. Our government should work to help bring real democracy to South Asia.

Mr. President, it is time that America takes a stance against these terrorist atrocities by the Indian government. We urge you to add India to the list of terrorist nations. It is also time to stop aid to India until it observes human rights. And we should put America on record in support of self-determination for all the peoples and nations living under India's brutal rule. These are the most effective steps to bring freedom, prosperity, peace, and stability to South Asia.

Sincerely,

DONALD M. PAYNE, M.C.
and others.

DECLARE INDIA A TERRORIST COUNTRY

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TOWNS. Mr. Speaker, a group of 21 of us wrote to President Clinton last month asking him to declare India a terrorist country due to its terror campaign against Christians and other minorities. Since Christmas of 1998, there has been a wave of terrorist attacks against Christians, Christian churches, and Christian institutions throughout India.

No one is ever held accountable for these actions. In fact, Bal Thackeray, leader of Shiv Sena, recently threatened to engulf the entire country in violence if he is held accountable for his part in the 1992 murders of thousands of people in Bombay. Mr. Thackeray's party, Shiv Sena, is a coalition partner of the ruling BJP and both parties are member organizations of the Rashtriya Swayamsewak Sangh (RSS), a Fascist organization with a program of ''Hindu, Hindi, Hindutva, Hindu Rashtra''—in other words, Hindu rule. BJP leaders have been quoted as saying that everyone who lives in India must be Hindu or must be subservient to Hindus. Is this democracy or theocracy?

Recently, a group of four missionaries were beaten by Hindu nationalists for their religious work. They were peacefully distributing religious literature and Bibles. Now one of them may lose his arms and legs. A Catholic priest who came under attack from militant Hindus recently was saved when his landlady, a Hindu, poured boiling oil on the Hindu mob that was attacking him. There have been so many incidents. After the recent murder of another priest, the only eyewitness was picked up by a police official who was under suspension. The witness was hanged in his jail cell. The Indian government ruled that he hung himself, but it seems to be a murder by the police.

Hindus chanting ''Victory to Hannuman'' burned Graham Stuart Staines, an Australian missionary, and his 8 and 10 year old sons to death as they slept in their jeep. Nuns have been raped, priests have been murdered, churches have been burned and schools have been destroyed. All of these acts, and more, have been done at the hands of militant Hindu nationalists allied with the RSS. No one has been punished for any of these atrocities.

Mr. Speaker, Christians are not the only ones. The Indian government massacred 35 Sikhs in Kashmir during President Clinton's visit to India, then tried to blame Kashmiri ''militants.'' Two extensive investigations have confirmed the Indian government's responsibility.

These latest victims join over 200,000 Christians, more than a quarter of a million Sikhs, over 70,000 Kashmiri Muslims, and tens of thousands of other minorities who have been killed in the Indian government's genocide. Tens of thousands of Sikhs are held without charge or trial, as political prisoners in ''the world's largest democracy.'' Well, if India is really a democracy, it must allow all the peoples and nations under its rule, including the Christians of Nagaland, the Sikhs of Khalistan, the Muslims of Kashmir, and the others, to enjoy self-determination and freedom.

Given its past and present conduct, India must be declared a terrorist country and we should stop giving American taxpayers' money to the Indian government until its religious terrorism and its killing of minorities end and all the peoples and nations of South Asia live in freedom.

Mr. Speaker, I would like to insert our letter to President Clinton into the RECORD, and I hope my colleagues will read it. It will be very informative.

CONGRESS OF THE UNITED STATES,
Washington, DC, June 15, 2000.

Hon. BILL CLINTON, President of the United States,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We are deeply concerned by the ongoing repression of Christians in India. A wave of violence against Christians and that has been going on since Christmas 1998 has intensified recently.

On May 21, a prayer meeting of a Christian women's group was bombed. An investigation by the All India Christian Conference shows that the Sangh Parivar, a branch of the Fascist RSS, the parent organization of the ruling BJP, carried out the bombing, which injured 30, four of them very seriously.

Also in May, six Christian missionaries who were distributing Bibles and religious literature were beaten by militant Hindu fundamentalists. One of them may lose his arms and legs due to the savage beating. On April 21 in Agra, a group of Hindu militants affiliated with the Bajrang Dal attacked a Christian group and burned Biblical literature. The Bajrang Dal is a wing of the RSS. In Haryana, three nuns were run down by a motor scooter while they were on their way to Easter services. The RSS recently published a booklet on how to implicate Christians and other minorities in false criminal cases, the *Hindustan Times* reported.

Missionary Graham Staines was burned to death along with his sons, who were 8 years old and 10 years old, while they were asleep in their jeep. The killers chanted ''Victory to Hannuman.'' Hannuman is a Hindu god with the face of a monkey. Hindu nationalists have murdered at least four priests, raped four nuns and kidnapped another, whom they forced to drink her own bodily fluids. More than 200,000 Christians in predominantly Christian Nagaland have been killed by the Indian government. No one is punished for any of these acts.

India has also committed similar acts of terrorism against its Sikh and Muslim minorities, among others. It has killed over 250,000 Sikhs. In March, the government massacred 35 Sikhs.in the village of Chatti Singhpora. According to the State Department, between 1991 and 1993, India paid out more than 41,000 cash bounties to police officers for killing Sikhs. India has killed more than 70,000 Kashmiri Muslims and destroyed the most revered mosque in Kashmir. Tens of thousands of Sikhs, Kashmiris, Christians, and others are being held as political prisoners.

Mr. President, America cannot just watch these atrocities happen. We call on you to declare India a terrorist nation. We further urge an end to U.S. aid to India until human rights are enjoyed by all people there. And we ask the United States to support self-determination for all the peoples and nations of the subcontinent. Let the light of freedom shine everywhere in South Asia.

Sincerely,

EDOLPHUS TOWNS, M.C.,
and 20 others.

HONORING WALTER BROOKS FOR A LIFETIME OF ACHIEVEMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. DELAURO. Mr. Speaker, it is with a heavy heart that I rise today to pay tribute to an outstanding member of the New Haven community, and my dear friend, Walter Brooks, whose passing has ended a career spanning over four decades—truly an era in New Haven politics. Today, members of the New Haven community will gather to honor the memory of Walter and the lifetime of contributions he has made.

Throughout his life, Walter demonstrated a unique commitment to the families and neighborhoods of New Haven. I had the distinct pleasure of working with Walter on a variety of projects during my career. His charisma and energy never ceased to amaze me. I have often spoke of our nation's need to make communities our first priority by bringing life to projects that create better neighborhoods in which working families can earn a living and raise their children. Using his myriad of talents, Walter worked hard to achieve these goals. As a state legislator, Walter served as the chairman of the Black and Hispanic Caucus and was appointed to the Select Housing Committee where he worked with State Attorney General Richard Blumenthal to draft the affordable housing statute—helping to ensure that all families would have safe, affordable housing in which to raise their families. With the Hill Development Corporation, Project MORE, and most recently, the Beulah Land Development Corporation, Walter focused his energy on providing some of our communities most vulnerable families with the chance for an irreplaceable opportunity—the chance to own their own home. Serving as the Chairman of the Housing Authority Board of Commissioners, Walter has been an integral partner in the recent re-organization of the agency. Tirelessly working to revitalize New Haven neighborhoods, Walter exemplified the activism essential to building strong and vital communities.

Walter was a driving force behind Connecticut politics—locally and statewide. His encouragement and guidance led many minorities to seek and win elected office. A skilled political organizer, Walter committed himself to local and state issues. Serving two terms as an Alderman in the City of New Haven and five terms as a State Representative in the General Assembly, Walter was never afraid to fight for what he believed was right—regardless of where his party may have stood. He has often been characterized as a legislator willing to roll up his sleeves and knock on doors to get people involved. He understood the importance of community participation and made every effort to involve community members in the issues that affected their neighborhoods and families. Walter served on the Board of Alderman for the City of New Haven, along with my mother, Luisa DeLauro. There he was her colleague and her friend. He accompanied her on a trip to Taiwan, and of course I felt better knowing that he was there looking out for her. Walter exemplified what an elected official should be, a role model for many who continue to serve in public office today, and his example will continue to inspire people to ensure their neighborhoods have a strong voice advocating on their behalf.

As a civil rights activist, housing advocate, or political advisor, his efforts have made a real difference in the lives of thousands of Connecticut residents. Walter has left an indelible mark on the City of New Haven and the State of Connecticut. It is with my sincerest condolences and greatest sympathies that I join his wife, Andrea Jackson-Brooks, his children, family, friends, and community members in bidding a sad farewell to Walter Brooks. His memory will long serve as an example to us all—his legacy never forgotten.

OCEANS ACT OF 2000

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. PALLONE. Mr. Speaker, I join my colleagues today in supporting the passage of S. 2327, the Oceans Act. We have an excellent opportunity to initiate a major review of ocean policies in this Nation and to take action to improve our understanding of ocean systems and the ocean environment as a whole.

As a coastal member and co-chair of the Coastal Caucus, I've always been supportive of protecting our oceans and coasts and realize the tremendous benefits they offer all Americans. Our oceans provide us with jobs, food, recreational as well as educational opportunities, medicine, and transportation. Our oceans also play an important role in determining climate.

But all is not well with our oceans. Today, more than half of all 265 million Americans live within 50 miles of our shores. This has put tremendous pressure on our estuaries, coastal zone, and near and offshore areas. In 1998, over 2,500 health advisories were issued against the consumption of contaminated fish. In 1998, over 7,000 beach closings or warnings were issued due to pollution. Harmful algal blooms, like red tides and pfiesteria, have been responsible for over $1 million in economic damages over the last decade. A 1997 National Marine Fisheries Service report to Congress stated that of the federally managed species for which sufficient data was available, 31% are ''overfished.'' The list goes on and on.

S. 2327 attempts to rectify some of these problems by establishing a Commission on Ocean Policy. This Commission, which is similar to the original Stratton Commission of the late 1960's, will report to Congress and the President policy recommendations for improvements with respect to our oceans, ultimately resulting in a coordinated National Ocean Policy.

In closing Mr. Speaker, I urge all Members to vote in favor of this legislation so that we can go to conference and have it signed into law before the end of the session. Cast a vote for our Oceans! Vote yes on the Oceans Act!

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I rise in support of the New Markets Initiative before the House today. This bipartisan bill provides hope for distressed economic areas that have not benefited from the longest stretch of economic growth since World War II.

Despite unprecedented economic expansion and sustained unemployment levels, many people in inner cities and rural areas continue to live in poverty. Job growth is virtually nonexistent while crime rates continue to increase.

This legislation establishes 40 new ''renewal communities'' in areas with high poverty and unemployment levels. These distressed areas can qualify for various tax incentives and loan assistance programs.

As a member of the House Small Business Committee, I believe the New Markets Initiative will help jumpstart these underserved communities. Specifically, the New Markets Venture Capital Program which creates a new

class of venture capital funds that target low-to-moderate income communities.

In addition to attracting investors and businesses to these distressed areas, this legislation addresses the housing needs of community residents. One provision, in particular, expands the low income housing credit from $1.25 per capita to $1.75 per capita. This tax credit, administered by the states, helps build 90,000 affordable housing units each year. However, the demand for the credits is greater than the supply by three to one. This proposal would help create an additional 180,000 units of affordable housing over the next 5 years for low-income families.

In order to sustain this economic boom, it must benefit everyone. The New Markets Initiative helps achieve this goal by providing the tools and incentives to foster and sustain economic growth in distressed areas.

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

IN HONOR OF BASIL M. RUSSO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Basil M. Russo, recently named the 'Italian Man of the Year' by The Italian Sons and Daughters of America.

Mr. Russo has been closely involved with the social, cultural and political life of Ohio throughout his distinguished career. After graduating from Cleveland Marshall College of Law in 1972, Basil Russo was a prominent member of Cleveland's City Council, serving as a Councilman for eight years between 1972 and 1980. Indeed, in 1978 Basil became the Majority Leader of the council, before leaving to take up responsibilities as a judge in the Court of Appeals, and then a Common Pleas Court judge. Basil's professional life has also included the foundation of his own law firm, Basil Russo & Co., L.P.A., which he still runs to this day, and the production of a feature film entitled Places in 1997.

As this award acknowledges, Basil Russo has also been a vibrant member of the Italian American community at a local and national level. He currently serves as the National Vice-President of the Italian Sons and Daughters of America, the third largest Italian American fraternal organization in the United States. This organization is involved in numerous social and political events that range from sponsoring the Debutante Ball, to owning and operating a senior citizen housing complex. His status in the legal community also means that since 1992 Basil has served as President of the Justinian Forum; the Italian American Bar Association for Cuyahoga County comprising 22 Judges and 250 attorneys of Italian American descent. It is fitting therefore that Basil was also the founding member of the Italian Americans of Northeast Ohio, established in 1994. He has also made a significant contribution to the religious life of Ohio through his co-chairmanship, alongside his wife Patricia, of the Advisory Board of the Department for Marriage and Family Ministry of the Diocese of Cleveland between 1992 and 1995. In fact, Basil still serves as a Lector and Eucharistic Minister at Holy Rosemary Parish.

Basil's talents for film-making and the legal profession have clearly been inherited by his four grown-up children. Anthony, Joseph and Angela are all studying film-making at university, while Gabrielle is studying for a J.D. in law at Basil's alma mater in Cleveland. My best wishes go to Mr. Russo and his family, and I would invite my fellow Congressmen to join me in commending his outstanding achievements in Ohio and beyond.

TRIBUTE TO CENTRAL NEW YORK ORGANIZATIONS VITAL TO THE SUCCESS OF THE AMERICANS WITH DISABILITIES ACT

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. WALSH. Mr. Speaker, today marks the historic celebration of the ten-year anniversary of the Americans with Disabilities Act. As a strong supporter of the ADA from the very start, I join with you in reflecting upon all the great changes this law has brought to the disability community.

The ADA is more than access and accommodations. Those are the legal words for what the Act is all about. Quality of life issues are what is really at stake.

Going to the doctor where an interpreter is provided to accurately receive proper diagnosis and treatment. Being able to get to work and perform a meaningful job with assistance. Accessing public transportation for a day or evening out with family or friends. Shopping for groceries or other needed items—these are the type of quality of life issues that the ADA set out to guarantee just ten years ago.

In the Central New York area, we are fortunate to have several agencies that work tirelessly to promote the type of access the ADA protects. In Syracuse, Enable and Arise have fought from the ground level with a ''hands on'' approach to make this law a reality. They are to be commended. In Cortland, the Access to Independence of Cortland County works to bring services and education to both the disability and non-disability community. And in Auburn, Options for Independence advocates for people with disabilities. In addition, there are numerous individuals across the 25th Congressional District who have contributed to the success of this program.

Some ADA changes are subtle, others more drastic. But in every case their impact has had an immeasurable effect on the quality of life we all enjoy. I take this opportunity to commend all those involved in removing obstacles, eliminating barriers and ensuring equal access for all.

CHRISTIAN PERSECUTION IN INDIA

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TOWNS. Mr. Speaker, I recently joined with 20 of our colleagues in a letter to President Clinton urging him to declare India a terrorist state because of its repression of Christians Sikhs, and other minorities. Today in India, Christians, Sikhs, Muslims, and others are being subjected to a reign of terror at the hands of the Indian government. Since Christmas Day 1998, there has been a wave of persecution and terrorism against Christians in India. Churches have been burned, Christian schools and prayer halls have been attacked, nuns have been raped, and priests have been killed.

Earlier this month, two more churches were bombed in the Indian state of Karnataka, according to a report from Newsroom.org. These attacks came just a month after a Catholic church was bombed in Bangalore. This is a frightening reminder of the resistance to civil rights in the South of the 1950s.

Late last month, a Hindu woman poured boiling oil on a group of militant Hindu nationalists who were attacking her tenant, a Catholic priest. Four Christian missionaries were beaten last month, one so severely that he may lose his arms and legs. These missionaries were beaten for distributing Christian religious literature and Bibles. The RSS, a Fascist organization that is the parent organization of the ruling BJP, has published a booklet on how to implicate Christians in false criminal cases. On Easter, a group of nuns on their way to Easter services were run down by Hindu fundamentalists riding motor scooters. In March, a Sikh family saved some nuns whose convent was attacked by Hindu fundamentalists.

Last month, a women's prayer meeting was bombed by militant Hindu fundamentalists. In April, fundamentalist Hindus attacked a Christian group and burned biblical literature. These are, unfortunately, just the latest incidents in a pattern of oppression of Christians.

The pattern has been long term. Last fall, Hindu fundamentalists aligned with the ruling BJP abducted a nun named Sister Ruby and forced her to drink their urine. Hindus chanting ''Victory to Hannuman,'' a Hindu god, burned missionary Graham Staines to death along with his 8-year-old and 10-year-old sons, while they slept in their jeep. The violence has been carried out by the RSS and other allies and supporters of the BJP government in India and no one ever seems to be punished for these acts.

Sikhs and Muslims have also been targeted, and we should take note of that. In March, while President Clinton was visiting India, 35 Sikhs were murdered in the village of Chithi Singhpora. Two independent investigations have shown that the Indian government carried out this massacre. This, too, is part of a pattern of genocide.

India's campaign of terror against minorities is clearly designed to wipe out the minorities. It is time to declare India a terrorist state and it is time to cut off American aid to India to help strengthen the hand of human rights there. And we should support self-determination for all the minority nations seeking their freedom from India. The predominantly Christian nation of Nagalim, which India holds, is about to begin talks with the Indian government on their political status. I hope that these talks will be the beginning of freedom not just for the people of Nagaland but for all the minority peoples and nations of South Asia.

Strong action must be taken. We should cut off India's aid until human rights are respected. We should demand self-determination for the people of Khalistan, Kashmir, Nagalim, and the other minority nations under

Indian rule in the form of a free and fair plebiscite on the question of independence. That is the way democratic nations do it. Is India the democracy it claims to be or not?

I would like to place the Newsroom article of July 10 into the Record for the information of my colleagues. I urge my colleagues to take a look at it.

TWO CHURCHES HIT WITH BOMB ATTACKS IN INDIA

July 10, 2000 (Newsroom)—Bomb blasts damaged two churches in India's southern Karnataka state over the weekend as Christians across the nation staged marches and rallies to protest sectarian violence.

Early on Saturday a low-intensity bomb exploded at the doors of a Protestant church in Hubli, about 270 miles north of the state capital, Bangalore. Police the blast occurred between 4 a.m. and 4:30 a.m. at St. John's Lutheran Church in Hubli's Keshavapura area, which has a 15,000-strong Christian population. The explosion damaged the church's steel gates and its belfry, but no injuries were reported, police said.

On Sunday an explosion left a small crater and shattered windows in the St. Peter and Paul Church in Bangalore.

The attack in Hubli came exactly one month after a bomb blast shook a Roman Catholic church in Wadi in the north Karnataka town of Gulbarga. Three other bomb attacks on churches occurred on June 8, in the coastal town of Goa and the southern state of Andhra Pradesh. Police say that the attack on Saturday is similar to the June 8 blasts, which are still under investigation.

The federal government blames sympathizers of the Pakistan intelligence agency ISI (Inter Service Intellegence) and claims the neighboring nation is out to destabilize India and drive a wedge between Christians and Hindus.

Church leaders allege, however, that right-wing Hindu groups are behind a series of attacks against India's 23 million Christians, and may be responsible for the latest church bombings. Christians believe many of the Hindu groups are closely connected to near the Hindu nationalist Bharatiya Janata Party (BJP), which leads the federal government's ruling coalition. A number of marginalized social groups have been victims of radical Hindus who go unpunished by the regime, said Sajan George, national convenor of the Global Council of Indian Christians. ''It becomes clear from these attacks that whether it is Christians, Muslims, or Dalits, the attacks never end; they are part of the continuing spiral built into the sectarian ideology, out to justify acts of blatant violence and denial of fundamental rights to life, equality before the law, freedom of religion, and freedom of expression,'' George said after the Hubli church bombing.

In the BJP-ruled northern state of Uttar Pradesh a Roman Catholic priest was murdered last month as he slept in the town of Mathura, near the Taj Mahal. One of the key witnesses to the murder, a cook called Ekka, died mysteriously under police custody.

Bangalore was one, of several state capitals where Christians marched on Saturday in remembrance of victims of religious persecution and in protest of continuing violence. At a rally in Hyderabad on Sunday the president of the All India Christian Council, Joseph D'Souza, read a list of demands to which a crowd of some 100,000 expressed agreement by raising their hands. The demands included state protection for church property and arrest and prosecution of all who openly engage in hate campaigns against Christians.

The Deccan Herald of Bangalore reported Monday that city police had been directed by the Congress Party-led Karnataka government to step up security churches and other places of worship.

HONORS SERGEANT CARLETON C. ''C.C.'' JENKINS FOR OUTSTANDING SERVICE

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to a native of New Haven, Connecticut and outstanding member of the United States Capitol Police, Sergeant Carleton ''C.C.'' Jenkins. Sergeant C.C.—as he was affectionately called by the men and women he supervised—retired from the United States Capitol Police on June 30, 2000 ending a career of dedicated and distinguished service that spanned over three decades.

Before arriving in Washington, Sergeant C.C. served the New Haven community in several ways. Working for the State Highway Department, the City Welfare Department, and the Redevelopment Agency of New Haven, he focused his efforts on enriching our community, building strong neighborhoods where families could raise their children. His good work made a real difference in the lives of many. An active member of the local NAACP, he brought a strong voice to Connecticut during the historical March on Washington. Drafted into the United States Army, Sergeant C.C. proudly served his country during the Vietnam war. It was upon his return from service that Sergeant C.C. decided to leave New Haven for Washington to begin his career with the United States Capitol Police.

As Members of Congress, we owe a-debt of gratitude to each Capitol Police officer who protects our safety and that of the visiting public. Sergeant C.C. is certainly no exception. Joining the U.S. Capitol Police shortly after his discharge from the United States Army, Sergeant C.C. demonstrated a unique commitment to public service. The first fifteen years of his service were spent with the House of Representatives, most of those stationed at the horseshoe entrance of the Rayburn Building. With refreshing sincerity and an unforgettable smile, Sergeant C.C. made it a point to get to know Members and their staffs personally. His promotion to sergeant brought him to the Senate side of Congress where he spent the remainder of his career. Over the years, he became an irreplaceable fixture on the Hill by meeting every challenge, regardless of its difficulty, with unparalleled integrity. For thirty-one years, he has upheld and exemplified the mission of law enforcement officials—protecting and serving the people.

Always dedicating his time and considerable energy to others, Sergeant C.C. continued his outstanding record of community service in Washington. For many years he served as a volunteer Director and Vice-Chairman of the Wright-Patman Congressional Federal Credit Union as well as one of the founders and directors of his local church credit union. Sergeant C.C. has dedicated his career, and indeed his life, to the betterment of his community and neighbors.

Sergeant Jenkins has repeatedly distinguished himself as an outstanding public servant and citizen. I am proud to join his wife, Diane, their children, Carleton Jr. and Jason, family, friends, and colleagues to extend my best wishes for continued health and happiness in his retirement. His legacy will serve as an example for all who serve. Sergeant C.C.—New Haven is proud of you, the congressional community will miss you, and a grateful public thanks you.

TRIBUTE TO THE LATE LEON E. COHEN

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. PALLONE. Mr. Speaker, on July 8, 2000, the Highland Park area of New Jersey lost one of its most distinguished members with the passing of Leon E. Cohen of Highland Park. Mr. Cohen was a man deeply involved with the Highland Park and Franklin Township government. His presence and knowledge will be sorely missed, while his contributions to civic life continue to impact the community.

Mr. Speaker, Leon Cohen's service to Highland Park began in 1991 when he was elected to a borough council seat. During his nine years on the borough council he served as Chairman of the borough council finance committee where he excelled in municipal finance management. Twice during his tenure, Leon served as Council President where he provided outstanding leadership. As Chairman of the finance committee, Leon was responsible for the Finance, Tax, and Court Departments and he also represented the borough council on the planning board and as council liaison to the Library Board of Trustees. Leon's financial expertise saved the Borough of Highland Park tens of thousands of dollars during his tenure in office. Single handedly, he put together a most creative financing package that made possible the Highland Park Public Library expansion project. He also played a major role in developing the finance package that made possible the new Senior/Youth Center in Highland Park.

Leon E. Cohen was bom September 9, 1929 in Brooklyn, NY to Russian immigrants Jacob and Bella Cohen. As a student, Leon excelled in math and science at the City College of New York in Manhattan, where he earned a bachelor's degree in chemistry. In 1952, Leon wed Evelyn Schwarz. They became the proud parents of a son, Steven, and two daughters, Ann and Laurie. Leon and—his family moved from Brooklyn to the Bronx and then to Franklin Township in Somerset County. He worked for FMC Corporation in Princeton for 41 years before his retirement in 1943, in the process, becoming well published in the chemistry of phosphorous based compounds.

IN HONOR OF LISA M. ANDERSON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to pay respect to Lisa M. Anderson, a lawyer and political activist who died at the age of 34 last week.

Ms. Anderson was born in Orlando, Florida and graduated from the University of South Florida in Tampa. After college, she moved to Cleveland to attend Case Western University School of Law, where she graduated in 1996. Lisa quickly established herself as part of the community in Cleveland, as a member of the Sierra Club, Amnesty International, the Society of International Law Students, and as a mentor to international law students and first year law students.

While a student, Lisa headed a program to place foreign law students in local jobs. Upon her graduation from Case, she received the Frederick K. Cox International Law Center Award for outstanding service. As an attorney, she was admitted to the bar in both Ohio and Florida.

Lisa Anderson worked on numerous political campaigns, including my own congressional race in 1996 after her graduation from Case. In 1998, she volunteered as a driver for the U.S. Senate campaign of former Cuyahoga County Commissioner Mary O. Boyle, but was soon hired to research issues and draft position papers. In July of that year, Lisa was diagnosed with a brain tumor. She underwent surgery, and soon continued her work on the campaign from her computer at home. A favorite memento from that campaign was a picture with First Lady Hillary Rodham Clinton.

After her diagnosis, Lisa focused her attention and energy on cancer research. She participated in the Brain Tumor Lobby Day on Capitol Hill in 1999 where she visited with me and other Members of Ohio's delegation to Congress to help us focus our attention on cancer research and the needs of individuals with brain tumors. Ms. Anderson also participated in, and served on the founding board of The Gathering Place, a cancer wellness facility in Beachwood, Ohio.

I ask you to join me in expressing my deepest condolences to Lisa's family and many friends, and honoring the memory of Lisa Anderson.

JUNE CITIZEN OF THE MONTH

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I rise today to name Don Dreyer, the director of the Nassau County Office for the Physically Challenged, as the Citizen of the Month in the Fourth Congressional District for June 2000.

I admire Don's dedication. He has worked so hard to improve the lives of people with disabilities within our community, and nationally.

Don has served in his current position for 22 years. Being disabled, Don understands the concerns and difficulties of physically challenged individuals. He has strongly advocated for local, state, and federal legislation to improve the independence and productivity of children and adults with disabilities.

Don was a driving force behind the passage of the Americans with Disabilities Act (ADA) of 1990. He attended the ADA signing ceremony at the White House with President Bush.

In 1996, Nassau County was named the ''Model ADA Program'' by the National Association of Counties. This was a great honor for Don who, along with his compliance committee, developed the innovative $21 million project. The program works with organizations so that modifications in their policies and procedures include access by persons with visual, auditory, and other disabilities.

Don developed an outreach program to the private sector on the ADA program. Since 1984, he has been teaching members of the Nassau County Police Academy a curriculum involving their correspondence with persons with disabilities. Don presents programs to the local Chambers of Commerce, as well as hosts and produces the Cablevision series entitled, ''Capabilities in Health.''

I commend Don for all he has overcome and all he has accomplished. I am honored to give him this recognition he well deserves.

Don lives in Rockville Centre with his wife Barbara. He is a graduate of Hofstra University with a B.A. in English and an M.S. in Counselor Education. Dreyer has served as the Director of Media and Public Relations at the National Center for Disability Services, the Hofstra University Newsletter Editor, and the Assistant Director of University Relations at Hofstra University before becoming the director of the Nassau County Office for the Physically Challenged.

INTRODUCTION OF THE DEMOCRATIC RIGHTS FOR UNION MEMBERS (DRUM) ACT OF 2000

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. BOEHNER. Mr. Speaker, today I introduce the Democratic Rights for Union Members (DRUM) Act of 2000. The DRUM Act is a pro-union member bill that helps rank-and-file workers achieve greater democracy within their labor organizations. The bill amends the 1959 Labor-Management Reporting and Disclosure Act (LMRDA), also known as the ''Landrum-Griffin'' Act. Landrum-Griffin is the only federal statute which deals directly with the relationship between union members and union leaders.

Four decades have passed since the LMRDA became law. There is no doubt this important bill from the 1950s has improved the American workplace. Many of the workforce benefits that Americans take for granted have come from union input representing the views and wishes of hardworking American union members. However, similar to many of our other federal labor laws, there is an antiquated side to Landrum-Griffin that reduces its effectiveness. In many cases, we have seen the law manipulated or ignored by union leaders who have used their power and the financial resources of their labor organizations for personal gain. In the 105th Congress, under the direction of then-Employer-Employee Relations Subcommittee Chairman Harris Fawell, and continuing during the 106th Congress, the EER Subcommittee has held seven hearings examining in-depth the strengths and failings of Landrum-Griffin. I am happy to report that in the vast majority of American unions, ''union democracy'' as envisioned by the authors of Landrum-Griffin is thriving. Unfortunately, there are some cases in which union leaders have exploited the current system to the detriment of rank-and-file members.

Following the subcommittee's first four hearings, Representative Fawell introduced the Democratic Rights for Union Members (DRUM) Act of 1998 to begin the process of updating Landrum-Griffin to enhance the democratic rights of union members. The legislation I introduce today builds on Representative Fawell's bill by adding several new provisions addressing additional problems the subcommittee observed during this Congress.

LANDRUM-GRIFFIN BACKGROUND

Few Members of Congress or rank-and-file union members are even aware of Landrum-Griffin's ''Bill of Rights.'' It is important to understand the foundations of union democracy before one can discuss necessary changes.

Today, Landrum-Griffin covers some 13.5 million members, in more than 30,000 unions having more than $15 billion in assets. Congress passed the LMRDA as a response to public outcry resulting from revelations of corruption and racketeering in the labor movement. This corruption came to light in the late 1950s, during three years of hearings in the Senate Select Committee on Improper Activities in the Labor and Management Field, chaired by Senator John L. McClellan. The authors of the LMRDA believed that promoting democracy within unions would reduce corruption and strengthen the labor movement by providing union members more control over their own union affairs.

Clyde Summers, Jefferson B. Fordham Professor of Law Emeritus at the University of Pennsylvania Law School, who sat on a panel of experts convened by then-Senator John F. Kennedy to draft a union members' Bill of Rights (the basis for Title I of Landrum-Griffin), eloquently summarized the intent of the law in testimony before the EER Subcommittee on March 17, 1999:

> The whole focus of the Landrum-Griffin Act was to protect the democratic rights of members as an instrument of collective bargaining. There was a guiding principle to limit governmental intervention to the minimum, to limit intervention in terms of union decision-making, to leave unions free to make their own decisions. But this was to be accomplished by guaranteeing the democratic process inside the union on the logic, the philosophy, that if the union members made these decisions on their own, that if these were democratically made, this gave a legitimacy to these decisions.

Landrum-Griffin contains six titles. The first title, the foundation upon which the rest of the legislation is constructed, contains a union member Bill of Rights mandating various rights: to information, to free speech, to free association, and to protection from undue discipline. Title II governs reporting and recordkeeping by labor organizations. Title III provides a framework for trusteeships. Title IV lays out requirements for elections of union officers, including specific time frames within

which elections must be held. Title V outlines the fiduciary duties of union officers. Title VI provides a variety of additional requirements, and grants general investigatory powers to the Department of Labor.

THE AMENDMENTS

The bill I introduce today includes several amendments to Landrum-Griffin. Each of these changes will have a positive impact on the everyday lives of union members. Those unions that treat their members fairly will not be affected at all. The legislation introduced today is not an exhaustive list of reforms. There are other changes that Congress may want to consider in the future, but the DRUM Act represents a very productive starting point.

My bill provides: enhanced notification to union members of their rights under the LMRDA; increased authority for the Department of Labor to enforce the notification rights of union members; a requirement that governing bodies hold a hearing before imposing a trusteeship on a subordinate body; authorization for bona fide candidates for elected union office to receive a list of eligible voters; a requirement for direct election of certain authority-wielding officers of intermediate union bodies; a clarification of the term ''reasonable qualifications'' to allow more union members to participate in the election process; and an improved standard governing circumstances in which elections must be re-run following fraud or abuse.

ENHANCED NOTIFICATION RIGHTS

The DRUM Act addresses real problems that have come to the subcommittee's attention during our hearings or through recent court rulings. For example, the legislation requires unions to periodically notify all members of their Title I rights. Some unions, as incredible as it may sound, have argued that a one-time notification of rights under the LMRDA given decades ago satisfies the current law requirement to ''inform its members concerning the provisions of'' the Act (29 USC § 415).

This issue was the subject of a recent Fourth Circuit case. (*Thomas* v. *Grand Lodge of Int'l Ass'n of Machinists,* 201 F.3d 517 (4th Cir. 2000)). In Thomas, union members sued the International Association of Machinists to require the union to distribute to each member a summary of their rights under Landrum-Griffin. The union claimed that they had fulfilled the notification requirements in 1959 when they distributed the text of the recently-passed law. Incredibly, the district court had agreed with the union leadership despite the fact that most, if not all, of the members were not members in 1959. Fortunately, the Fourth Circuit overruled the district court, and determined that the one-time notification was not sufficient, but stopped short, however, of enumerating what ''sufficient notification'' entails. My bill clarifies the notification obligation, by requiring the Secretary of Labor to promulgate regulations that provide enhanced guidance to union organizations on how best to inform their members of their LMRDA rights. After all, if union members are not aware that they have rights, they will be unable to exercise them.

''REASONABLE QUALIFICATIONS'' IN UNION ELECTIONS

An additional line of court cases prompts another provision in DRUM. There is conflicting appeals court precedent on the issue of what constitutes a ''reasonable qualification'' (29 USC § 481 (e)) in order to be eligible to run for elected union office. Earlier this year, the First Circuit ruled against the Department of Labor, after the Department sued a local union over an election rule which barred 96 percent of the local's members from running for office (*Herman* v. *Springfield Mass. Area, Local 497, American Postal Workers Union,* 201 F.3d (1st Cir. 2000)). The court held as reasonable a requirement that union members attend three of the previous nine union meetings in order to run for office. This court decision contradicts a ruling from the D.C. Circuit in 1987, in which a union's election rule was considered unreasonable primarily because it disqualified a large percentage of union members (*Doyle* v. *Brock,* 821 F.2d 778 (D.C. Cir. 1987)).

In Herman, the Majority all but requested that the Department of Labor adopt a regulation using a specific percentage standard. I believe it is the responsibility of the Congress to enact such a requirement, rather than to require the administration to take on the nearly impossible task of interpreting Congressional intent and balancing that intent with contradictory court opinions. As such, the legislation introduced today lays out a clear standard by which election rules will be judged as reasonable or unreasonable. The legislation simply says that any rule excluding more than half of a union's members from running for office is not reasonable. This bright line will benefit union members, candidates for union office, and incumbent union leaders equally, because by removing ambiguity, we will enhance union democracy and reduce potential internal strife.

CONCLUSION

The workplace of the 21st Century is vastly different from that existing 40 years ago. Workers and employers are working together toward a common goal, rather than continuing the adversarial relationship which characterized the last century. This evolution in the workplace has reduced industrial strife, and has increased productivity, profits, and, most importantly, the satisfaction and pay of workers.

This same collective strategy is key to the effective operation of internal union affairs. The days of well-heeled union bosses, using their members to enrich themselves at the expense of worker advancement are quickly ending. Unions, which provide workers with camaraderie, personal support—both inside and outside the workplace—and a means to improve their lives, are enriched as members achieve true democracy within their labor organizations. Enhancing the ability of rank-and-file members to take a greater responsibility for how their union operates solidifies the positive impact unions have on the workplace and the lives of working men and women.

HONORING IRVING B. HARRIS FOR A LIFETIME OF ACHIEVEMENT ON HIS 90TH BIRTHDAY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. DELAURO. Mr. Speaker, it gives me great pleasure to stand today to honor a remarkable individual who has left a lasting mark on our Nation and its children. I am honored to pay tribute to Irving B. Harris as he celebrates his 90th birthday on August 4, 2000.

Irving's leadership and commitment is inspiring. His passion and advocacy have led the fight for policy development on behalf of very young children and families, attention to the physical and mental health of pregnant women and mothers of infants and toddlers, the prevention of violence, the training of a competent infant/family work force, and the building of effective community-based programs. He is as well-respected as a leading voice for children as he is as a corporate leader. After entering the business world following his graduation from Yale University, he served with both the Board of Economic Warfare and the Office of Price Administration during World War II. He has served in executive capacities for several well-known companies, including the Toni Home Permanent Co., and the Pittway Corp.

However, Mr. Harris is best known for his commitment to improving the chances of disadvantaged children across this country. His many contributions and determined advocacy for the well-being and development of infants, toddlers, and their families are legendary. He was instrumental in creating and establishing such well-respected institutions as the Erikson Institute and the Ounce of Prevention Fund, as well as the highly ambitious Beethoven Project, which has served as models for the development of training and service programs across the country. He helped to establish Zero to Three, a national nonprofit charitable organization whose mission is to strengthen and support families, practitioners and communities to promote the healthy development of babies and toddlers. He was the moving force in the establishment of the Harris Graduate School of Public Policy Studies at the University of Chicago. His vision and leadership have earned him appointments to the National Commission on Children and the Carnegie Corporation of New York's Task Force on Meeting the Needs of Young Children. For his efforts, Irving has been awarded 10 honorary degrees.

He has been, and continues to be, a champion for children and families everywhere. It is with great pride that I rise today to congratulate Irving. I also would like to extend my sincere thanks and appreciation for his many contributions and best wishes for continued-health and success. Our Nation's children thank you and wish you a happy birthday.

PERSONAL EXPLANATION

HON. J.D. HAYWORTH

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. HAYWORTH. Mr. Speaker, on Thursday, July 20, 2000, I missed rollcall votes 421, 422, 423, 424, 425, 426, 427, and 428 because I was attending to congressional business in my district. Had I been present, I would have voted ''aye'' on rollcall vote 421, ''no'' on rollcall vote 422, ''aye'' on rollcall vote 423, ''no'' on rollcall vote 424, ''no'' on rollcall vote 425, ''no'' on rollcall vote 426, ''aye'' on rollcall vote 427, and ''aye'' on rollcall vote 428.

INTRODUCTION OF THE CHRONIC ILLNESS CARE IMPROVEMENT ACT OF 2000

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. STARK. Mr. Speaker, in our aging society, it is beginning to dawn on millions of Americans across the country that chronic illnesses are now America's number one health care problem. Yet because our health care system has been designed around meeting the needs of acute, not chronic illness, our system of services for those with Alzheimer's, diabetes, and other major conditions is both fragmented and inadequate.

To be successful, 21st century health care must be reorganized to maximize the intelligent use of those protocols and procedures that can most effectively control and slow the rate of chronic illness progression. This can only be accomplished if treatment for chronic conditions is consciously and carefully integrated across a range of professional providers, caregivers and settings.

This integration of services for chronic illness care is at the heart of the Chronic Illness Care Improvement Act of 2000 that I am introducing today.

It is a major bill, designed to focus debate on the need to provide comprehensive and coordinated care for people with serious and disabling chronic illness. I am introducing this Medicare measure this summer to invite comments, ideas and suggestions for refining this bill so that it can be re-introduced at the beginning of the 107th Congress, with bipartisan sponsorship. The bill I am introducing today is the result of months of consultation and work with numerous senior, illness, and health policy groups. I hope that it will receive the endorsement of many groups in the days to come.

The bill has four titles and is phased in over a number of years. Why? Because we know a lot about the management of chronic illness—but in truth, the comprehensive national program that is so desperately needed will require long range planning and implementation in phases.

Therefore, Title I creates a temporary Commission to study and recommend solutions to the complex issues involved in coordinating and integrating the diversity of healthcare services for the chronically ill.

Title II lays the groundwork for a full, comprehensive care program by establishing the databases and infrastructure we will need to provide high quality care to those with chronic illness.

Title III launches two major prototype chronic disease management programs-one for diabetes and the other for Alzheimer's disease. Once we learn from the experience of these two prototypes, the Act calls for expansion to a high quality national program for management of other serious and disabling chronic illnesses.

Title IV promotes coordination of care for dually eligible beneficiaries by streamlining the processes of obtaining waivers and determining budget neutrality of combined Medicare and Medicaid programs.

WHY A PROGRAM TO IMPROVE THE CARE OF CHRONIC ILLNESS IS NEEDED

Do you know someone who has diabetes, high blood pressure or a heart condition? Perhaps someone who is important to you suffers from arthritis, asthma or Alzheimer's disease. All of these problems have one thing in common-they are chronic illnesses. Once these problems begin, they stay with you and many of these problems inevitably progress over time. What most people don't know is that chronic illness is America's highest-cost and fastest growing healthcare problem accounting for 70 percent of our nation's personal healthcare expenditures, 90 percent of all morbidity and 80 percent of all deaths.

Yet while chronic disease is America's number one healthcare problem, care for those with chronic illness is provided by a fragmented healthcare system that was designed to meet the needs of acute episodes of illness. We cannot deliver 21st century healthcare with a system that was designed a half century ago, before angioplasty or bypass surgery for heart disease and before L-dopa for Parkinson's disease.

Medical discoveries like these have transformed many illnesses from rapidly disabling conditions to chronic conditions that people live with for a long time. But the healthcare system that works for a devastating heart attack does not work for chronic illnesses that need a totally different group of services, including long range planning, prevention, coordination of care, routine monitoring, education, and self-management.

The acute care model is a mismatch for the needs of chronic disease and the result is that people with chronic conditions receive healthcare that responds to crises rather than preventing them. The fact is we know a lot about the natural course of chronic illnesses like diabetes and arthritis. We have learned the all-too-common scenarios that result in complications such as an amputation in the diabetic or a stroke in the person with uncontrolled hypertension. Delaying stroke by 5 years would yield an annual cost savings of 15 billion dollars, yet we continue to shortchange the ounce of prevention that is worth a pound of cure.

The patients know what is wrong with the system—they tell us our healthcare system is disjointed and a nightmare to navigate. They want more information about their condition, more emotional support, and more control of their care. They deserve better communication and integration of care amongst their many healthcare providers who currently function to deliver separate and unrelated services, even though they are providing care to the same person.

But none of this will happen in a medical system that does not reward quality of care for chronic illness. Our healthcare system does not reward preventive care or continuity of care. Neither do we reward early diagnosis, interdisciplinary care, emotional counseling or patient and caregiver education.

The cornerstone of quality healthcare for chronic illness is long-range planning and prevention, yet the Congressional Budget Office currently has no mechanism to measure cost-effectiveness over extended periods of time. Unless we recognize that an upfront investment in the early and middle stages of chronic illness will pay dividends over the long term, we will continue to be caught in the vicious cycle of responding to crises rather than anticipating and preventing them.

There is increasing recognition of the looming problem of providing long-term care to the growing number of senior citizens, but little awareness that better care of chronic illness beginning at the time of diagnosis is the most effective strategy to prevent the progression of disability and loss of independence. Join me in supporting The Chronic Illness Care Improvement Act of 2000 to bring excellence to the care of chronic illness, just as Medicare has already achieved for acute illness. This legislation will put our emphasis where it belongs—on proactive strategies that will prevent complications and disability before they happen.

This is a systems problem that requires a systems solution. Disease management of chronic illness will only succeed if financial, administrative and information systems are developed to support it. Our current healthcare system locks into place fragmentation and duplication of services. We must strive to align financial incentives among healthcare providers to achieve common care, quality and cost objectives. We can improve the quality of care while reducing costs by reducing duplicative and unnecessary services and by preventing complications and loss of independence.

The healthcare challenge of this new century is to design a Medicare system that meets the needs of persons with serious and potentially disabling chronic illness. The medical discoveries of the 20th century have dramatically prolonged the life expectancy of persons with all types of chronic conditions. In the 21st century, our challenge is to reduce the progression of disability and to improve the functional status and quality of life of persons with chronic illness.

INVITATION FOR COMMENTS

Mr. Speaker, reforming our health care delivery system to improve the care of chronic illness is a complex and major undertaking. Therefore, I want to repeat my comments that I am introducing this bill today to solicit comments and ideas from across the Nation. Today's bill is just the first round in a major initiative to improve this part of our health care system. I look forward to additional ideas and suggestions.

Following is a section-by-section description of the proposal.

THE CHRONIC ILLNESS CARE IMPROVEMENT ACT OF 2000 BILL SUMMARY

1. The bill charges a congressionally-appointed National Commission with development of a Medicare policy agenda that provides for an integrated, comprehensive continuum of care for serious and disabling chronic illness. Among its responsibilities, the National Commission on Improving Chronic Illness Care will:

Raise public awareness about how and why chronic illness care should be improved;

Investigate the barriers preventing integration of care for the chronically ill and establish baseline data for benchmarking future progress in reducing the prevalence of chronic conditions and healthcare costs;

Establish direction for integrating the delivery, administration and finances of chronic care services.

III. The bill lays the groundwork for a national program of coordination and integration of care for serious and disabling chronic illness through initiatives addressing:

Prevention of Disease and Progression of Disability: Preventive services under Medicare are expanded. Research is also expanded into risk factors associated with the progression of disability. A public awareness campaign on prevention of chronic illness is established and bonus payments are offered to reward plans and providers that meet targets for reducing disability.

National Targets for Improving Chronic Care: HHS will develop a national database for long-term planning and measurement of outcomes; will set national goals to reduce the prevalence of chronic illness; and will develop outcomes measures for analysis of

long-term effectiveness of interventions that prevent chronic illness, complications and disability.

Coordination and integration of health services across different care settings: Common patient assessment instruments-are developed to integrate care across settings. Medicare and Medicaid-services for dually eligible beneficiaries are coordinated by streamlining the processes of obtaining waivers and determining budget neutrality for these programs.

Adequate manpower, education and expertise in chronic illness: Expand training opportunities where shortages of physician's with chronic illness expertise exist and HHS-sponsored, Internet-based national resource centers are set up to serve chronic illness patients and providers.

Managed care bonus programs for excellence in integration of chronic illness care:, Bonus payments are provided through Medicare for the development of comprehensive programs serving chronically ill beneficiaries. Specifically, disability prevention programs that achieve prevention goals, improve quality or perform research into delaying the progression of disability or preventing disease-related complications are funded.

Development of methods of cost assessment that make sense for long goals and outcomes: Methodologies to measure long range costs of comprehensive disease management programs that prevent chronic illness, delay disability, and prolong independence are developed and implemented by HHS.

III. The bill implements a nationally Phased-in program of comprehensive integration 'and coordination of care for serious and disabling chronic illness by:

Establishing-Prototype models for comprehensive disease management of two chronic illnesses, diabetes and Alzheimer's disease in 2003, that will be used as the basis for expanding in 2007 to other serious and disabling chronic illnesses, including hypertension, heart disease, asthma, arthritis, multiple sclerosis and Parkinson's disease.

These comprehensive disease management programs known as The National Initiative to Improve Chronic Illness Care include these key components: Best practices and evidence-based clinical guidelines, Interdisciplinary care, Case management, Disability prevention, Patient and caregiver education to foster self-management, Medication monitoring, Integrated administrative and financial services, Integrated information systems.

THE SCIENTIFIC CERTAINTY IN SENTENCING ACT OF 2000

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. SENSENBRENNER. Mr. Speaker, today I introduce the ''Scientific Certainty in Sentencing Act of 2000.'' As the Chairman of the House Science Committee, I have had the opportunity to see first hand the amazing changes that take place each day in various fields throughout the science world. Advancements in DNA testing are no exception. Each advance brings a new degree of accuracy.

The legislation I am introducing today will allow convicted federal criminals the use of DNA testing. This would be allowed for those who did not have the opportunity to use DNA testing during trial or those who can show that a new technologically advanced DNA test would provide new evidence in their case.

Whether this new testing results in an exoneration, reduced sentence, or a reaffirmation of the conviction, we can all rest assured that the rule of law is upheld and that truth and justice have prevailed.

This legislation allows the great strides that have come, and will come, in the field of biological science to be utilized so that we may ensure that we are keeping the correct people behind bars. The bill is not a vehicle for frivolous appeals, but rather to allow all relevant facts to be shown in each case, which can only benefit all parties involved.

I encourage my colleagues to join me in promoting the use of the best technological advances in regards to convicted federal criminals.

PERSONAL EXPLANATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. WELLER. Mr. Speaker, due to unavoidable circumstances, I was forced to take a medical leave of absence from the House of Representatives after 7:00 p.m. on July 20, 2000. I respectfully request that how I would have voted had I been able to be present for votes be submitted and accepted into the CONGRESSIONAL RECORD at an appropriate place as follows:

On Rollcall Vote 421, an amendment offered by Representative VITTER, Adding $25 Million to the High Intensity Drug Trafficking Areas Program, had I been able to be present I would have voted aye.

On Rollcall Vote 422, an amendment offered by Representative DELAURO to allow federal funds to pay for abortions under the Federal employee health benefit program by striking Section 509, had I been able to be present I would have voted no.

On Rollcall Vote 423, an amendment offered by Representative TOM DAVIS of Virginia to add a new section prohibiting funds from being used to carry out the amendments to the Federal Acquisition Regulation relating to responsibility considerations of Federal contractors and the allowability of certain contractor costs, had I been able to be present I would have voted aye.

On Rollcall Vote 424, an amendment offered by Representative RANGEL to add provisions to the bill prohibiting funds from being used to implement Public Law 104–114 which codifies the economic embargo of Cuba, as in effect on March 1, 1996, had I been able to be present, I would have voted no.

On Rollcall Vote 425, an amendment offered by Representative SANFORD to add provisions to the bill which prohibit the use of funds from being used to enforce part 515 of the Code of Federal Regulations (the Cuban Assets Control Regulations) with respect to any travel or travel related transaction, had I been able to be present, I would have voted aye.

On Rollcall Vote 426, an amendment offered by Representative MORAN of Kansas to prohibit funds in the bill from being used to implement any sanction imposed by the United States on the private commercial sale of medicine, food, or agricultural product to Cuba, had I been able to be present, I would have voted aye.

On Rollcall Vote 427, an amendment offered by Representative HOSTETTLER to prohibit the use of funds to enforce, implement, or administer the provisions of the settlement document dated March 17, 2000, between Smith and Wesson and the Department of the Treasury, had I been able to be present I would have voted aye.

On Rollcall Vote 428 for final Passage of the Fiscal Year 2001 Treasury Postal Appropriations, had I been able to be present I would have voted aye.

TRIBUTE TO THE LATE BARBARA ROSE ISLEY

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. GALLEGLY. Mr. Speaker, today I pay tribute to the memory of Barbara Rose Isley, who died last week after decades of dedicated community service in my district.

Mrs. Isley and her late husband, Mason, were founding members of the Camarillo Citizen Patrol, a citizens organization that helped the Camarillo Police Department with stakeouts, traffic control, crowd control, searching for lost or missing people and Kid Prints.

She was known by her handle ''Ding-Dong Lady'' because she sold Avon products, an occupation she pursued for 35 years and for which she had achieved the honor of being a member of the President's Club.

Through the years Mrs. Isley helped transform the Citizen Patrol from members patrolling in their personal vehicles wearing civilian clothes to the currently marked Citizen Patrol cars and uniforms. She was the unit's secretary from its founding until her death last week. During that time she guided eight Deputy Advisors as they took over the helm of the Citizen's Patrol.

The Camarillo Citizen Patrol was the first disaster assistance team for Camarillo. Mrs. Isley and other members received training in first aid; shelter management; damage assessment surveys of fires, floods and earthquakes; and aiding the victims. One of Mrs. Isley's favorite stories about the Citizen's Patrol occurred in mid-1999.

A series of vehicle burglaries were committed at a Camarillo hotel from February to July 1999. A two-month surveillance was launched. Mrs. Isley and another member, who were armed with binoculars and a two-way radio and stationed in a hotel room overlooking a parking lot, watched as three suspects broke into a van and took a computer case. She radioed to deputies who were nearby in unmarked cars. The suspects were quickly captured and booked into jail on multiple counts of burglary, conspiracy and possession of stolen property. A further investigation revealed that the three suspects were responsible for approximately 40 similar crimes along Highway 101 from Los Angeles to Santa Barbara.

Mrs. Isley graduated from the Citizen's Academy in November 1998 and was honored as the Camarillo Citizen Patrol Member of the Year for 1998.

Avon and the Citizen Patrol were not Mrs. Isley's only passions. She was also a member of the Camarillo Christian Church and a volunteer for the American Red Cross for more than 20 years.

She was also a mother, grandmother and great-grandmother.

Mr. Speaker, I know my colleagues will join me in honoring the memory of Barbara Rose Isley as a woman of strength and dedication whose work will continue to have a positive effect on her community, her friends and her family.

JUSTICE FOR VICTIMS OF TERRORISM ACT

SPEECH OF

HON. JOSEPH M. HOEFFEL

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. HOEFFEL. Mr. Speaker, I rise in support of H.R. 3485, the Justice for Victims of Terrorism Act. This legislation strengthens federal laws designed to combat state sponsored terrorism, and I am pleased that it is finally coming before the entire House for a vote.

The United States justice system is the envy of the world. We pride ourselves on affording due process to all who come before the court while simultaneously ensuring that no one is above the law. Confidence in our judiciary is the cornerstone of our democracy. Citizens need to know that if they are harmed, the government will stand behind them. This confidence is especially important when Americans are abroad.

This principle was behind passage of the 1996 antiterrorism bill. The legislation gave American citizens injured by an act of terrorism the right to bring a private lawsuit against the terrorist state responsible for the act. Three years later Congress approved legislation which allowed the attachment of assets of terrorist states to satisfy judgements. The President was given a waiver in that bill which allowed him to block attachment of assets if it was in the interest of national security.

H.R. 3485 allows victims of terrorism to satisfy judgements against foreign states by allowing assets frozen by the U.S. to be subject to attachment. The bill shields diplomatic property from attachment, but does not protect any property which has been used for any non-diplomatic purpose including rental property.

This issue has special importance for me because a native of Montgomery County, Pennsylvania has been trying to achieve some justice in this area of the law since his kidnapping almost 15 years ago. Mr. Joseph Cicippio was an employee at the American University in Beirut. On September 12, 1986, he was kidnapped by terrorists and held hostage for five years under terrible conditions including threats of death, physical violence and brutal interrogation.

In 1997, Joseph Cicippio brought a suit under the 1996 terrorism bill against the Islamic Republic of Iran for his injuries. He received a judgement for $20 million in the U.S. District Court for the District of Columbia. Unfortunately, he has not received any portion of this judgement. The Justice for Victims of Terrorism Act would go a long way toward helping Mr. Cicippio and other plaintiffs like him who together have over $650 million in judgements against Iran. This bill sends a signal loud and clear that justice for U.S. citizens will not stop at the water's edge.

FAMILY FARM SAFETY NET ACT

HON. EARL POMEROY

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. POMEROY. Mr. Speaker, today, I am pleased to join Representative DAVID MINGE of Minnesota in introducing the Family Farm Safety Net Act. The Family Farm Safety Net Act is designed to permanently extend the availability of marketing assistance loans, raise the loan rates of all commodities and make the loan rates more equitable with each other. This legislation, which is supported by the National Farmers Union, the North Dakota Farmers Union, and the National Barley Growers Association, will go a long way in providing additional assistance to our nation's family farmers.

As we all know, our nation's federal farm policy has been a disaster, mostly because of its removal of a price safety net to protect our nation's farmers in times of low prices and bad weather. In many ways, the Northern Plains and especially my home State of North Dakota represents ground zero in the farm crisis, having experienced the twin evils of production loss caused by severe weather and rock-bottom commodity prices.

In 1996 when Congress passed Freedom to Farm, farm prices were at near record highs. In 1996, wheat was $4.30 per bushel, soybeans were at $7.35 per bushel, and corn was $2.71 per bushel. Total net farm income for 2000 is projected to be only $40.4 billion, nearly $14 billion below what it was in 1996. And, according to the University of Missouri's Food and Agricultural Policy Research Institute (FAPRI), by 2009, net farm income will fall to $37 billion if the current farm program is not changed. Moreover, in 2000, direct government payments through the form of Agricultural Market Transition Act (AMTA) payments and market loss assistance payments will be more than $16 billion, nearly 40 percent of total farm income.

I opposed this legislation because of my fear of exactly what we are seeing now—the abysmal collapse of commodity prices and the lack of a safety net to protect farmers. At the time, opposing Freedom to Farm was not a politically popular position. Many believed that the opponents were afraid of change and not willing to allow the farmer to take advantage of the free market. Today, 4 years after its passage, my fear has come true. Wheat is now selling at $2.54 per bushel—a 40 percent drop in price. Corn is now selling at $1.36 per bushel—a 50 percent drop in price, and soybeans are now selling at $4.82—a 34 percent drop in price.

Our legislation is quite simple. It raises the loan rate levels of all commodities by making the loan rates more equitable and extends the lengths of the terms of the loan period from to 9 to 20 months. Our legislation restores a price safety net by creating loan rates that are more reflective of producers' costs of production and by providing producers with more time to best determine when to sell their grain in today's volatile market.

Under our legislation the loan rate for wheat, which is the largest commodity grown in North Dakota, will be raised from $2.58 per bushel to $3.40 per bushel. Through this increase in the loan rate for wheat, North Dakota's family farmers will see an average of nearly $19 per acre more in a loan deficiency payment (LDP) for their wheat. And, if the Family Farm Safety Net were law during the 1999 crop year, North Dakota wheat producers would have received an additional $200 million in LDPs.

This legislation makes the loan rates for all the commodities more comparable to each other. Under the current farm bill, the loan rate for soybeans is $5.26 and the loan rate for wheat is only $2.58. This distortion in loan rates is causing the market to become distorted because many producers are being forced to grow soybeans as their only hopes of ''breaking even.'' As a result of this distortion in loan rates, soybean acreage in the United States has grown more than 10.5 million acres to all-time record of 73.1 million acres since the passage of the farm bill. No other example of this is more evident than in my home State of North Dakota where soybean acreage has grown by more than 100 percent since the passage of the farm bill.

As Congress begins to consider alternatives for its next farm bill, I believe the Family Farm Safety Net is the right step to provide a safety net for America's producers who have suffered so severely the last four years. I look forward to working with my colleagues on our efforts to assist our nation's family farmers.

TRIBUTE TO DR. JAMES EDISON BROWN

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to a wonderful man, Dr. James Edison Brown. Dr. Brown was a terrific physician and a loving family man. I have had the privilege of working with his daughter Trinita on transportation issues in the House of Representatives, and I can attest that this apple has not fallen far from the tree. Dr. Brown's list of accomplishments is endless. However, contributions to his community and his triumph over the barriers of a society which tried to limit him are what impress me most. It is with honor and sadness that I pay tribute to Dr. James Edison Brown.

I submit the following passage for the RECORD:

Dr. James Edison Brown, the first black Ophthalmologist trained in the state of New Jersey, died Friday June 30, after a short illness.

Born in Camden, South Carolina, the youngest son of the late Willie Carlos and Mamie Ballard Brown, he graduated as the valedictorian of Jackson High School at age 15 and made his way from the segregated South to New York City with less than $20 in his pocket.

Brown hoped things would be better in the North. While he worked to convince the best universities in New York City to admit him, he took a variety of jobs in an effort to save

money for college. One of his jobs was as a waiter at one of the elite men's clubs at the time. Amid the laughter and ridicule of his fellow wait staff, Brown persevered.

In 1951, Uncle Sam called and Brown served honorably in the Intelligence Division of the United States Army in Europe. When he returned from Europe, he entered and graduated from New York University with a degree in Biology in 1956. Later that summer he married Theresa Hundley of New York City.

Undaunted, Brown faced continuing resistance to his efforts to gain admission at the nation's top medical schools. Brown returned to Europe to pursue his medical education. He attended the Faculty of Medicine at the University of Paris, France, the University of Lausanne, Switzerland and the University of Vienna, Austria. While abroad, he was able to complete his Master's Degree in Biochemistry from Columbia University in New York City.

Upon his return, Brown decided to enter medical school at Howard University in Washington, DC to pursue his dream of becoming an orthopedic surgeon. In his third year of medical school, Brown suffered a near fatal car accident, spent eight months in the hospital and lost a year of medical school. This event changed his career in two ways. First, because of his injuries to his leg, he would not be able to stand for the long hours that orthopedic surgery often demands. Secondly, because of the skills of the eye surgeon who treated him during the accident, he decided to become an ophthalmologist. Brown graduated from medical school in 1964.

Dr. Brown returned to the New York metropolitan area with his young family. After his internship in Staten Island, he was admitted to the residency program in Ophthalmology at the New Jersey College of Medicine. In 1970, Dr. Brown completed the program as Chief Resident to become the first black Ophthalmologist trained in the state of New Jersey, where he remained on the faculty until his passing.

Dr. Brown maintained a practice in New York and New Jersey for over 30 years. He was affiliated with many of the top hospitals in the metropolitan area. For the next 30 years, Dr. Brown distinguished himself and was honored by many medical and scientific societies including becoming a Fellow in the American College of Surgeons and a Fellow in the International College of Surgeons. He is also listed in Who's Who in America and Who's Who in Physicians and Surgeons among others.

His quiet determination and kind demeanor led Dr. Brown to many leadership positions in various fraternal, civic and social organizations including, the Lions Club, the H.M. Club (Hundred Men Club of America), the Norjermen, Sigma Pi Phi (The Boule) and Alpha Phi Alpha Fraternity, Incorporated, where he was a member for almost 50 years.

Dr. Brown cared deeply for his church and church family at New Hope Baptist Church in East Orange, New Jersey. He was able to share his medical skills in innovative ways. He was active in the prison ministry and he helped establish the New Hope Baptist Church Health Ministry. Under his leadership, many church members became certified in CPR.

Dr. Brown leaves to cherish his memory, Theresa Hundley Brown, his wife of almost 44 years; his son Dr. Terrence Edison Brown of Stockholm, Sweden; his daughter, Trinita Evon Brown, Esq. of Washington, DC; his son-in-law, Peter Niel Thomas of Washington, DC; his god-children: Jinene Foye, Brandon Costner and Sheree Gaddy; his brothers, John Brown and Leroy Brown; his sisters: Alice Brown Gadsen, Odell Brown Crouch, Orlee Brown Gibbs, Alberta Brown, Janie Mae Brown; sisters-in-laws Charlotte Brown and Ethel Brown; three aunts, many nieces, nephews, grandnieces, grandnephews, cousins, and many family and friends.

A TRIBUTE TO DR. JAN KARSKI, COURIER OF HISTORY AND IMMORTAL HERO

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Dr. Jan Karski, who sadly passed away on July 13, 2000, at the age of 86 in Washington, DC. I have little doubt that my colleagues will agree that Dr. Jan Karski is perhaps an unknown, yet irrefutable hero for his courageous and selfless actions during World War II. Under the height of Nazi Germany's occupation, Karski flirted with torture and execution to give the disbelieving free-world knowledge of the unspeakable crimes committed in Eastern Europe. It now gives me great honor to tell Jan Karski's courageous story to the U.S. House of Representatives.

After completing his education in several social sciences, Jan Kozielewski entered the Polish diplomatic service in 1938. Given the covert nature of his service, Kozielewski changed his name to Jan Karski—a surname he retained for the remainder of his life. Karski could not have entered diplomatic service at a more perilous time, as Poland was being devastated via Hitler and Stalin's secret agreement to overthrow the democratic nation. In August 1939, Karski was captured by the Red Army and sent to a Russian prison camp. Three months later, he luckily escaped Russia and returned to Poland to join the anti-Nazi Underground organization.

In Poland, Jan Karski would use his eidetic memory, knowledge of foreign countries and fluency in four languages to serve the Polish resistance, humankind and history. For roughly 3 years, he served as a courier between the Polish government-in-exile and the Underground authorities in Poland. During arduous journeys through the Tatra Mountains bordering Czechoslovakia, Karski often traveled in disguise as a German officer, or merely eluded border patrols. In 1940, the courier was actually arrested and tortured by the Gestapo in Slovakia, but was later rescued by underground forces.

Karski's most heroic actions undoubtedly occurred around September 1942. In a July 1988 Washingtonian interview, Karski recounted that representatives from two Jewish underground organizations informed himself of Hitler's ''Final Solution.'' Knowing that direct evidence would be far more convincing, Karski was smuggled into the Warsaw ghetto twice, which had suffered a virtual eradication of the Jewish population from 450,000 to 50,000. With the help of the resistance, Karski, dressed as a military fighter, witnessed actual mass murders at the Izbica death camp in Eastern Poland.

In late 1942 and 1943, Jan Karski reported to western governments regarding the genocide. In August 1943, he personally spoke with a disbelieving President Roosevelt, Henry Stimson, Cordell Hull, and other high government and civic leaders in the United States.

Unfortunately, Jan Karski was soon proven to be tragically correct, as nearly one-half of the 6 million European Jews were murdered in Nazi-occupied Poland. In his 1944 bestselling book, Story of a Secret State, Karski recounted his witness of ''horrible things—horrible, horrible things.'' After the war, Karski refused to return to his homeland, as the Polish Underground continued to be murdered under Communist rule.

After attaining a doctorate at Georgetown in 1952, Dr. Karski taught at the local university for 40 remarkable years, and guest lectured on behalf of the U.S. Government on several occasions. In 1954, Dr. Karski honored Americans by becoming a fellow citizen. Not surprisingly, the freedom fighter was awarded numerous citations by several governments. He received Poland's highest civic decoration, and twice its highest military award for bravery in combat. In addition, Dr. Karski is an Honorary Citizen of the State of Israel. Furthermore, five universities around the world have given him honorary degrees.

Mr. Speaker, Dr. Jan Karski and his story should never be forgotten. I hope that my words today will help refresh Americans' memory of a holocaust that occurred not too long ago. Most importantly, I urge all young Americans to learn the story of the holocaust and World War II. In 1816, Thomas Jefferson wrote: ''Enlighten the people generally, and tyranny and oppressions of body and mind will vanish like evil spirits at the dawn of day.'' Colleagues, let us continue toward that endearing goal.

REMEMBERING THE LIFE OF DEACON JOHN SIDNEY (SID) HOLLAND

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DAVIS of Virginia. Mr. Speaker, I rise today to pay tribute to Deacon Sid Holland, a long-time friend and colleague of mine, who departed this life on July 5, at the age of 92 after sustaining injuries in an automobile accident. He was a Mason and served as past Master of King Tyree Lodge No. 292 and was a Charter member of the Fairfax County Democratic Party. Sid was a small business owner of the J. S. Holland Sand and Gravel Hauling Co. He was a hard worker and a dedicated family man.

Born on August 13, 1907, in Palmyra, VA, Sid was one of 10 children born to the late John and Mary Odie Holland. As a young man, Sid came to Fairfax County seeking employment and subsequently joined the Mount Pleasant Baptist Church. He also became involved in a number of civic and social organizations. Sid was a natural leader transition Fairfax County through the Civil Rights revolution. Sid always was respected for his ability and friendly demeanor.

As a dedicated member of the Mount Pleasant Baptist Church for over 65 years, Sid served as Sunday School Superintendent, Chairman of the Deacon Board, Trustee and member of the Senior Choir, Usher Board, Pinkett and Chairman Emeritus of the Deacon

Board. He was also active in the Northern Virginia Baptist Association and the Mount Vernon Baptist Association. Sid knew God and the work of the church and he translated this into his daily life.

In addition to his church activities, Sid was an officer and member of the Mount Pleasant Lincolnia Association, Harelco Land Developments, Higher Horizon Day Care Center, Fairfax County-Wide Black Citizen Association, Fairfax Human Rights Commission and the Manassas Educational Foundation. He also served on a special commission of the Fairfax County Board of Supervisors charged with writing County Housing Hygiene Code and on a Citizen's Advisory Committee to establish a Housing Authority. His efforts to promote desegregation in Fairfax County are recognized in the recorded history of the county and won him plaudits from leaders of both parties. In addition, he was the longest serving member of the Fairfax County Human Rights Commission, where he continued to advocate for the minority rights amid a growing and diverse minority population.

In closing Mr. Speaker, it gives me great pleasure and honor to speak of Deacon Sid Holland on the House floor today. He will be greatly missed but remembered for his service to his community and dedication to his family. Sid is survived by his wife of 17 years, Constance; his two children, J. Sidney, Jr. of Washington, DC and Dr. Dorothy Mann Mazzola of Seattle, WA; two stepchildren, Solomon Lee of Lakeridge, VA, and Bernice Lee of Falls Church, VA; three sisters, Vera Marshall and Mamie Bruce of Palmyra, VA, and Bertha Payne of Washington, DC; a host of nieces, nephews, grandchildren, and great grandchildren. His first wife, Susie C. Holland, passed away in 1982. He leaves a legacy of racial progress that will long be remembered in Fairfax.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. NEAL of Massachusetts. Mr. Speaker, I very much support the legislation we are now considering. H.R. 4923 is one of the few bills we are going to enact this year on a bipartisan basis, the revenue loss is reasonable, and it will provide a good deal of help for communities trying to turn themselves around and increase economic activity within their neighborhoods. CO

This bill does a lot, but frankly it could do quite a bit more. There is overwhehning support for legislation to immediately increase the low-income housing tax credit and the private activity tax exempt bond volume cap. The bill makes a very modest step forward in both areas, and I appreciate that very much, but by no means are these provisions sufficient. And given the fact that both bills have over 350 cosponsors each, there is no political or partisan reason why a full immediate increase in the credit and the bond cap could not have been put in this bill at this time.

Mr. Speaker, I am supporting this bill. However, I intend to work as hard as I can to see to it that when the conference report comes back to the House, both the tax credit and the bond volume cap provisions are significantly improved over the provisions that are contained in H.R. 4923 today. Many States are like mine, Mr. Speaker, with good, solid projects backed up and waiting for an allocation. Under current limits, the allocations are simply not there. It would be a crying shame, Mr. Speaker, if in the current budget situation we ignored their pleas and did not provide the necessary assistance right away.

GUAM OMNIBUS OPPORTUNITIES ACT

SPEECH OF

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise in support of H.R. 2462, the Guam Omnibus Opportunities Act. The bill provides the authority for the Federal Government to transfer back to the Government of Guam land owned by the United States. Land in Guam was acquired by the United States for military use in the years following World War II. The bill assures that the Government of Guam has the first opportunity to acquire excess Federal land in Guam.

In addition the bill has a provision that is important to the State of Hawaii. The bill authorizes the Governor of Hawaii to report to the Secretary of the Interior annually on the financial and social impacts on the State of the compacts of free association with the Federated States of Micronesia, the Republic of the Marshall Islands and the Republic of Palau. The Governors of Guam, Samoa and the Northern Marianas are also authorized to make such reports. The Secretary of the Interior is required to review the reports and forward them, together with any comments of the administration, to the Congress. The bill authorizes the Secretary to conduct a census of Mircronesians for each of the impacted jurisdictions where the Governor requests one and authorizes a total of $300,000 for the censuses.

The reporting requirement improves current law by requiring the Department of Interior to consider the reports of Hawaii and the other jurisdictions affected by the compact of free association, comment on them and forward them to the Congress. While the most important issue is to provide Hawaii and other jurisdictions affected by the compacts of free association with necessary aid as a result of the compacts, this provision helps assure that the needs of the jurisdictions are placed before the Congress. The reports will assure that Congress is aware of the needs of Hawaii and its Pacific neighbors as a result of the compacts.

THE UNIVERSAL EMPLOYEE STOCK OPTION ACT OF 2000

HON. AMO HOUGHTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. HOUGHTON. Mr. Speaker, I am pleased to join my colleague from California, Mr. MATSUI, in introducing the Universal Employee Stock Option Act of 2000. The bill would add another leg on the stool for employee retirement by providing another means of accumulating assets. What does the bill do? The bill would add two incentives to encourage the granting of stock options to all employees.

First, the proposal provides for a tax deferred form of employee stock options, which are only taxable when the stock is sold—a combination of ordinary income and possible capital gain accumulated after the option is exercised. The deferral aspect would provide a powerful incentive to the employee to hold the stock for the longer term. Importantly, the employee pays for the stock, through payroll deductions, with pre-tax dollars—not unlike a section 401(k) plan. The maximum employee pre-tax contribution to an option plan would be $10,000 per year.

Second, the bill would provide a deduction to the employer for the fair market value of the stock at the time of exercise—the exact same amount the employee would report as ordinary income when the stock is sold.

The deduction by the employer at the time the option is exercised is offset by the ordinary income reported by the employee at time of sale. There would be a revenue cost associated with the deferral of reporting of the ordinary income until sale, versus the deduction by the employer at time of exercise. Of course, any gain to the employee at sale which exceeds the ordinary income portion would be taxed as capital gains. The bill provides for adequate safeguards and procedures to track the sale of stock and reporting thereof to the IRS.

Why do we need such a change? As article after article has pointed out, executive compensation keeps accelerating at a much faster pace than regular compensation. The market place will, as time moves along, maintain some control over the executive compensation. But this proposal is a way to help the ordinary working person.

In the 105th Congress, I introduced a stock option bill. I believe this new bill is an improved version because (1) the new bill covers substantially all employees, (2) the total deferral of the tax to the employee, plus purchase with pre-tax dollars, strongly encourages participation and long-term retention of the stock, and (3) the bill encourages employers to offer the tax-deferred compensation in the form of stock options by giving the employer a deduction for the value of the stock at the time of exercise.

The approach in this bill is primarily designed to attract the non-highly compensated employee, and would be an effective way to address the compensation gap and provide long-term security for the employee. We encourage our colleagues to join us by cosponsoring this legislation.

CONGRATULATORY REMARKS TO THE INTEGRITY LODGE NO. 79 OF THE ORDER OF ITALIAN SONS AND DAUGHTERS OF AMERICA'S 65TH ANNIVERSARY

HON. RON KLINK

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KLINK. Mr. Speaker, I rise today to pay tribute to the Integrity Lodge No. 79 of the Order of Italian Sons and Daughters of America on the occasion of its 65th anniversary.

The Integrity Lodge No. 79 was founded in 1935 by Gabriel Falleroni and received its charter on March 31, 1935. Integrity Lodge No. 79, which began with approximately 60 members, now serves as a cultural resource for hundreds of Italian-Americans. It has been a bastion for unity for all members of the Italian-American community in Allegheny County.

The Lodge has been housed in the same location, Mile Lock Lane, since 1951, where it continues to hold its weekly meetings up to this day. Dedicated to promoting ideals of good citizenship and brotherly love, it is committed, and has been from the very beginning in 1935, to furthering the principles of liberty, unity and duty among the community.

Western Pennsylvania was fortunate to receive its share of the western European settlers who immigrated to the United States in the early 1900's, many of whom were Italian immigrants. Due to the large number of Italian immigrants, western Pennsylvania was exposed to a wonderful new culture and was able to reap its benefits with the help of organizations such as Lodge No. 79. For years, members of the Integrity Lodge promoted Italian heritage by introducing all aspects of Italian culture to the community, including Italian games such as bocce. Let it be noted that members of the Lodge were very proficient in bocce and were extremely enthusiastic participants in the game. Members of the Lodge were such avid players that they eventually created their own Bocce League. Through the work of its current president, Mrs. Greco, and many others at Integrity Lodge No. 79, the emphasis on Italian culture and traditions continues to flourish.

Integrity Lodge is known throughout Allegheny County as not just an Italian-American organization, but as an outstanding member of the community. Since its conception, the Lodge has taken an active part in civic and community functions. It has been noted for its generous contributions to several charitable organizations in Allegheny County.

And so it is with great pleasure that I ask my colleagues to join me in congratulating Integrity Lodge No. 79 of the Order of Italian Sons and Daughters of America, past and present, on the celebration of its first 65 years, with best wishes for the next 65, and beyond.

ON THE DEDICATION OF RED ARROW PARK TO THE MEMORY OF THE FAMED RED ARROW DIVISION

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. STUPAK. Mr. Speaker, 83 years ago in July, National Guard units from Michigan and Wisconsin were formed into the 32nd Division. These units traced their heritage back to Spanish American War, with a few even dating back to the famed Iron Brigade, a veteran unit of Civil War fighting that was so terribly decimated on the first day of the Gettysburg battle.

The 32nd Division would soon earn its designation as the Red Arrow Division in major fighting in major offensives in World War I. It was reactivated during World War II and sent to the South Pacific, where the unit took part in six major engagements.

The Red Arrow Division was among the first units serving occupation duty in Japan, and was reactivated again as a result of the Berlin Crisis in 1961.

As a result of army reorganization, the unit now carrying the famed designation is no longer a division but instead is a mechanized brigade, the 32nd Infantry ''Red Arrow'' Brigade.

Mr. Speaker, while this history of the famed ''Red Arrow'' unit is available to anyone with a computer and access to the Internet, an important part of the Red Arrow history was lost for many years.

In 1945 the city of Marinette, Wisconsin, the twin city of my home town of Menominee, Michigan, named a beautiful piece of shoreline Red Arrow Park in honor of the fighting unit in which so many of its sons had served. This honor extended to soldiers from Upper Michigan, as well—men like my father-in-law, Ken Olson, from Escanaba, or the late Fred Matz, an honored veteran from Menominee.

But the community forgot where the name came from. Red Arrow Park was just another park—an attractive one and a great place to launch a fishing boat or hold a family reunion—but a park whose heritage had been lost.

On July 30 this situation will be remedied. In a special ceremony spearheaded by local veteran Richard J. Boye of Menominee, the community will dedicate a monument that firmly links the Red Arrow combat unit to Red Arrow Park.

This event will greatly enhance the community value of the park, Mr. Speaker. Red Arrow Park will remain an important place where families can gather in peace And freedom, where children can run and play, cooled by the breezes of Green Bay. Now, however, they will be reminded of the many residents of northern Wisconsin and Upper Michigan who served in the Red Arrow Division in two great wars and the Cold War to preserve peace and freedom.

I thank our veterans for their years of service, and I especially thank our local veterans who organized the July 30 dedication. Their efforts today in setting up this beautiful monument will help future generations remember all their comrades who have served so well.

INTERNATIONAL RESERVE POLICE OFFICER ASSOCIATION EXCHANGE PROGRAM

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize and commend the International Reserve Police Officer Association Exchange Program. This program provides a unique opportunity for reserve police officers from American cities and towns to share information and go on patrol with their counterparts in other nations. The Association allows for the open exchange of reserve policing concepts between countries and between individual reserve officers.

This year marks the fifth year of the International Reserve Police Officer Association exchange program. Their 2000 international conference will be held in the United Kingdom. Officers from my home state of Michigan representing the Oakland County Sheriff's Department, Waterford Township and the City of Dearborn will visit Wales and England in August. The reserve police officers will patrol with both regular and special officers of the South Wales Constabulary, the Metropolitan Police and the City of London. A formal conference will be held on August 31 at New Scotland Yard.

I wish to extend to each officer, from both America and the United Kingdom, my sincere appreciation for their efforts in strengthening the bond of friendship and professionalism among reserve police officers. These individuals risk life and limb every day by volunteering their services to the public. Their dedication and hard work in protecting the public are to be enthusiastically saluted.

ON THE INTRODUCTION OF THE COMMUNITY ACCESS TO HEALTH CARE ACT OF 2000

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. GREEN of Texas. Mr. Speaker, I rise today in support of the Community Access to Health Care Act of 2000, legislation I am introducing to help our states and communities deal with the crisis of the uninsured.

Over 44 million Americans do not have health insurance and this number is increasing by over a million persons a year. Most of the uninsured are working people and their children—nearly 74 percent are families with full-time workers. Ten percent of the uninsured are in families with at least one part-time worker. Low income Americans, those who earn less than 200% of the federal poverty level or $27,300 for a family of three, are the most likely to be uninsured.

Texas is a leader nationally in the number of uninsured, ranking second only to Arizona. About 4 million persons, or 26.8 percent of our non-elderly population, are without insurance.

The uninsured and under-insured tend to be more expensive to care for. They fall through the health care cracks. They put off going to a doctor until it is too late—and then they go

to the emergency room. Instead of having available the wide variety of preventive measures and checkups that those of us with insurance take for granted, the uninsured often ignore the symptoms of what might be larger problems because they simply cannot afford to go to the doctor.

According to research done by the Kaiser Family Foundation, nearly 40% of uninsured adults skip a recommended medical test or treatment, and 20% say they have needed but not gotten care for a serious problem in the past year.

Uninsured children are at least 70% less likely, Kaiser reports, to receive preventive care. Uninsured adults are over 30% less likely to have had a check-up in the past year, uninsured men 40% less likely to have had a prostate exam and uninsured women 60% less likely to have had a mammograrm than compared to the insured.

The uninsured are at least 50% more likely than the insured to be hospitalized for conditions such as pneumonia and diabetes. Unfortunately, the uninsured are more likely to be diagnosed with fatal diseases at significantly later stages than are those with insurance. Death rates from breast cancer are higher for the uninsured than for those with insurance.

In many American cities, towns and rural areas, there is general agreement that—something needs to be done to track, monitor and serve the uninsured. We all pick up the tab for the uninsured in the end—why not have communities join forces to attack this problem on a local level? Why not spend our tax dollars wisely and invest in prevention rather than spend them foolishly paying for emergency room visits or lengthy hospitalizations?

The Community Access Program (CAP) embodies this idea; it stems from a very successful Robert Wood Johnson Foundation-funded project that showed that community collaboration increased access to quality, cost-effective health care. Last year, the Clinton Administration proposed and Congress passed the Community Access Program as a $25 million demonstration effort. This year, over 200 applications were received for approximately 20 grants. Obviously, the need for and the interest in this program is great.

The Community Access to Health Care Act of 2000 will authorize the Community Access Program for five years. It gives competitive grants to communities to help more uninsured people receive health care and to ensure that communities join forces to map a strategy for counting and dealing with the uninsured.

Funding under CAP can be used to support a variety of projects to improve access for all levels of care for the uninsured and under-insured. Each community designs a program that best addresses the needs of the uninsured and under insured and the providers in their community. Funding is intended to encourage safety net providers to develop coordinated care systems for the target population.

The majority of the CAP funds will be used to support expenses for planning and developing an integrated health care delivery system. A small portion of the funds may be used for direct patient care if there are gaps to putting together an integrated delivery system.

Applications for the CAP demonstration project were due this past June; 208 were submitted by groups from 46 states and the District of Columbia. Applications were evenly distributed between urban and rural areas, and six were submitted by tribal organizations. About three fourths of applications came from communities with rates of uninsured persons higher than the national average of 14%. Half of applications came from communities with rates of uninsured persons greater than 20%. Close to 90% of applications target all uninsured persons in an area.

Perhaps the best way of explaining how CAP can improve a community's health care networking is to paraphrase from the application submitted from a group in Houston. The lead applicant, Harris County, is the third most populated county in the nation and the most populated county in Texas with about 3.2 million residents. Close to 50% of our residents are Anglo, about 18% are African American, about 27% are Hispanic and about 5% are Asian. The Asian population is the fastest growing, followed by Hispanics and African Americans.

According to Harris County's proposal, ''population growth and an economic boom have enhanced the overall wealth and employment opportunities of the community. It has, however, also resulted in greater economic disparities between the privileged and the economically disadvantaged. The numbers of uninsured and under insured are on the rise.''

The Texas Health and Human Services Commission estimated that in 1999, 25.5% of the total population in Harris County—834,867—was uninsured. Of this total number, the applicants have targeted three populations: First, they will target those with incomes under 200% of the federal poverty level (428,369 persons). Second, they will target those with incomes over 200% of the federal poverty level (301,000 persons). Third, they win target those who are under insured (328,183 persons).

According to Harris County, the primary focus of this project is to improve the interagency communication and referral infrastructure of major health care systems in the city. This will improve their ability to provide preventive, primary and emergency clinical health services in an integrated and coordinated manner for the uninsured and under insured population. Harris County will place particular emphasis on the development and/or enhancement of the existing local infrastructure and necessary information systems.

In addition to expanding the number and type of providers who participate in collaborative care giving efforts, Harris County would establish a clearinghouse for local resources, care navigation and telephone triage to increase accessibility and reduce emergency room care. The clearinghouse will receive referrals of uninsured patients from health service providers and patient self-referrals. The consortia will give special attention to health disparities in minority groups. It will establish a database for monitoring, tracking, care navigation and evaluation. In Harris County, it is expected that this initial support from grant funds would become self-sustained through contributions from participating providers, especially smaller primary care providers who can rely on the centralized triage program for after-hours response.

Harris County will also develop a plan to allow private and public safety-net providers to share eligibility information, medical and appointment records, and other information. The program will beef up efforts to make sure families and children enroll in programs for which they might be eligible, including Medicaid and the Childrens' Health Insurance Program (CHIP). In addition, Harris County would facilitate simplified enrollment procedures for childrens health programs.

Among those participating in the Harris County group are the Asian American Health Coalition, the Baylor College of Medicine's Department of Family and Community Medicine, Communities Conquering Cancer, Community Education and Preventive Health, the Dental Health Task Force of the Greater Houston Area, the Gulf Coast CHIP Coalition, the Harris County Budget Office, the Harris County Hospital District, the Harris County Public Health and Environmental Services, the HIV Services Section, the Homeless Services Coordinating Council and the Houston Health and Human Services Department.

Also part of this consortia are the Mental Health/Mental Retardation Authority of Harris County, the Ryan White Planning Council, The Assistance Fund, The Rose, and the University of Texas's Health Science Center's Department of Internal Medicine.

What does this group hope to accomplish? It has four goals.

1. Establish a county-wide communication and referral system accessible to Community Health Partners, Affiliates, Clients and Funding Resources.

2. Document referrals from the Community Health Access Clearinghouse to Community Health Partners, Affiliates and Funding Resources.

3. Decrease the rate of non-emergency use of emergency rooms.

4. Increase the numbers of low-income persons with insurance coverage.

This group's plan—and it's a great one—is just one of 208 that were submitted to HRSA this June. Unfortunately, since funds exist only for about 20 projects, Houston and other cities and rural areas may get turned away unless Congress acts to pass the Community Access to Health Care Act of 2000.

Putting together the CAP application was the first step in building new collaborative efforts for many groups. I have heard of instances where providers serving the same populations in the same towns had never sat down at the same table together. Once they do, and once they begin to exchange information and ideas, great things can happen.

We in Congress have argued for years about the federal government's role in ensuring access to affordable health care. I believe that some type of universal care should be a priority for the long term. For the short term, however, authorizing the CAP program will place much-needed funds in the hands of local consortia who, working together, can help to alleviate this crisis—town by town and patient by patient. I am pleased to note that this legislation has also been included as part of Rep. Dingell's FamilyCare Act of 2000, of which I am a cosoponsor.

In closing, I would like to recognize a person whose dedication to this effort has led to the introduction of this legislation today. Dr. Mary Lou Anderson, from the Health Resources Services Administration, actually came out of her retirement to oversee the CAP demonstration project. Her dedication to this project, and to the health of America's families and children, is commendable.

HONORING THE MINNESOTA RIVER BASIN JOINT POWERS BOARD

HON. DAVID MINGE

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. MINGE. Mr. Speaker, today I recognize five years of outstanding work by the Minnesota River Basin Joint Powers Board to coordinate the clean up of the thirty-seven county Minnesota River Basin.

Since its inception in 1995, the Minnesota River Basin Joint Powers Board has been able to build progressive and trustworthy relationships among agricultural production, conservation, sporting, and environmental interest groups. They have also been instrumental in building sustainable relationships with local, state, and federal government agencies in order to advance the cause of a restored, fishable, and swimmable Minnesota River.

The Minnesota River Basin Joint Powers Board has also been extremely helpful in promoting the Minnesota River Basin's Conservation Reserve Enhancement Program. Minnesota River CREP hopes to retire and restore 100,000 acres of flood-prone farmland in order to improve water attributes in the Basin and the larger Mississippi River Basin as a whole. Furthermore, their ability to thoughtfully and even-handedly coordinate the needs of thirty-seven counties regarding watershed team tributary strategies has been important to the success of this basin-wide initiative.

I would also like to recognize this group's Executive Director, Steve Hansen, as a tireless and articulate advocate of water quality improvement and the State of Minnesota's continuing environmental commitment to its rivers and natural resources.

In conclusion, I would like to stress the importance of the integrative and comprehensive watershed planning that the Minnesota River Basin Joint Powers Board is engaged in to promulgate and implement successful recovery of this important natural resource—the Minnesota River.

IN REMEMBRANCE OF AMBASSADOR BIRABHONGSE KASEMSRI

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. ROHRABACHER. Mr. Speaker, this week, a long-time friend of the United States, Ambassador Birabhongse Kasemsri, known as Bira to his friends, passed away in his hometown of Bangkok, Thailand. I last saw Ambassador Kasemsri, 65, in 1999 during a visit I was honored to have with Thailand's King Bhumibol, whom Bira served as His Majesty's principal private secretary. In service to his King and country, Bira, was granted three decorations, including Knight Grand Cordon of the Most Noble Order of the Crown of Thailand [Highest Class].

Too often, American policymakers underestimate the importance of our strategic alliance with Thailand, which extends to our Civil War when the King offered President Lincoln a herd of fighting elephants from the Royal Thai military. Ambassador Kasemsri reinforced the strategic relationship during the height of the post-Vietnam Cold War period, during his exemplary service as Thailand's ambassador to the United States. In addition, during the early 1980's while he served as Thailand's ambassador to the United Nations, Bira was a hero of the Reagan doctrine in Southeast Asia by protecting Thailand from communist aggression. During that time, Bira was instrumental in arranging for noted military historian and journalist Al Santoli—who currently serves as my foreign policy advisor—to visit areas of Thailand that were under attack by the Soviet-backed Vietnamese communist army and their surrogates from Cambodia and Laos. Thanks to the sponsorship of Ambassador Kasemsri, the articles that Al wrote for the New Republic and Parade magazines on the threat to Thailand directly contributed to the cessation of chemical warfare in Indochina and the withdrawal of the Vietnamese occupation forces in Cambodia.

On behalf of my wife Rhonda and I, and my colleagues who have had the pleasure of working with Ambassador Kasemsri over many years, I extend deepest sympathy to his wife, Rampiarpha and their three children. I believe that the seeds of solidarity that Bira sowed during his many years of representing The Royal Government of Thailand in America will lead to further development of the friendship between the governments and people of Thailand and the United States.

TRIBUTE TO THE LATE MACEDONIO A. PADILLA

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. NAPOLITANO. Mr. Speaker, it is with particular sadness that I offer this memorial tribute to Mr. Macedonio A. Padilla of Pico Rivera, California, a politically active citizen of the 34th Congressional District. Mac Padilla served his community with an inspired passion for education, insisting on the importance of broadening the horizons of young minds.

Born in Los Angeles, California, on September 12, 1929, Mr. Padilla grew up with his family in the greater Los Angeles community. Having not completed his high school education, he enlisted in the United States Army and served his country in World War II.

He had two daughters, Sylvia and Margaret, with his first wife, Antolina Barba, whom he married in 1950 and divorced some years later. As a single man, he was employed at the Los Angeles Times and later at Farmer John's Meat Distributors.

In 1997, Mr. Padilla finally met the love of his life. He and his new wife, Lilian Aguilar, were fortunate to have her daughter from a previous marriage, Theresa, and were later blessed with Rosalie, their only daughter together. Mr. Padilla raised his four daughters, as well as his twelve grandchildren, teaching them that academic excellence was most important. Putting in much of his personal time and effort into his ideas, he was an assistant at South El Ranchito Elementary School. He loved to educate children. He was also a prominent voice with the local city officials and legislative members.

Even in his eventual health conditions, Mr. Padilla spoke his mind when it mattered most. He made it his life-long goal to help improve his community to the best of his abilities.

Macedonio Padilla passed away on July 18, 2000. He is survived by his four children, their spouses, and his twelve grandchildren: His constant devotion to the members of his community, his family, and his country will forever be remembered.

Mr. Speaker, I extend our sincere sympathy to his family and ask God's comforting graces for them in their time of sorrow.

HONORING THE CLARK COUNTY, ARKANSAS REUNION PICNIC

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KILDEE. Mr. Speaker, today I speak of a group of people who share a common history and a rich heritage. On July 29, my hometown of Flint, Michigan, will be the site of the Clark County, Arkansas Reunion Picnic.

Following the Civil War, many former slaves settled in an area of Clark County called ''Okolona.'' They had endured slavery by developing and strengthening their bond with God, and with each other. Regularly, they would gather at Rome Spring Hill where they would sing, pray, and eat together as a community. They began to depend on each other as a family.

This tradition continued until the end of World War II, as many Americans moved from southern agricultural communities to the more industrialized cities of the North. Residents of Clark County often moved together in groups, allowing them to retain the bond they had established for so many years. In 1974, the tradition of the Clark County Reunion was resumed in the Northern states. This picnic has since become an annual event, held in five locations around the country, Clark County, AR, Chicago, IL, Seattle, WA, Los Angeles, CA, and Flint, MI. The last time the Reunion Picnic was held in Flint was 1995, and the Flint delegation was joined by over 500 members of their extended family, and they anticipate repeating this accomplishment, if not surpassing it.

Mr. Speaker, the Clark County Reunion Picnic serves many purposes. It provides an opportunity for family to come together, intensify old bonds, and forge new ones. It gives the younger members a chance to learn of their ancestry, and grow emotionally and spiritually. I am proud to know that Flint is a central point in their effort to maintain a strong sense of unity. I am pleased to ask my colleagues in the 106th Congress to join me in congratulating all the Reunion participants.

AZERBAIJAN'S PARLIAMENTARY ELECTIONS

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. SMITH of New Jersey. Mr. Speaker, today I introduce a resolution calling on the Government of Azerbaijan to hold free and fair parliamentary elections this November. After a

series of elections marred by irregularities, the upcoming election will help define the country's political orientation and its international reputation. Is Azerbaijan developing towards Western-style electoral democracy or mired in the Soviet pattern of controlled voting results? The answer to that question is important for the United States, which has significant strategic and economic interests in Azerbaijan.

At age 77, Azerbaijani President Heydar Aliev is the most experienced politician in the former Soviet space. Since returning to power in 1993, he has created a semi-authoritarian political system that features highly centralized, hands-on presidential rule, with constant positive coverage in the state-run media. President Aliev controls all branches of government and the state's instruments of coercion. His implicit bargain with Azerbaijan's citizens offers stability in return for unquestioned predominance. While Azerbaijan's constitution enshrines separation of powers, neither the legislature, judiciary, press nor opposition parties may challenge President Aliev's hold on power. Indeed, in an interview published in last Sunday's New York Times, he openly said, ''I will always be president here.''

Opposition parties function, publish newspapers and have some representation in parliament. But they have no access to state media, which portray them negatively, and their opportunities to influence the political process—let alone actual decision-making—are carefully restricted.

With respect to elections, Azerbaijan's record has been poor. The OSCE's Office for Democratic Institutions and Human Rights (ODIHR) monitored the 1995 and 1998 parliamentary and presidential elections, and concluded that they did not meet OSCE standards. Council of Europe observers harshly criticized the first round of the local elections in December 1999, though they noted some improvements in the second round. These flawed elections have exacerbated the deep distrust between the government and opposition parties.

On May 25, the Helsinki Commission, which I chair, held hearings on the upcoming election, in which Azerbaijani Government representatives and opposition leaders participated. At that time, the main bone of contention between them was the composition of the Central Election Commission. During the hearing, a government spokesman announced that Baku was prepared to let government and opposition members veto the other side's nominees for the Commission posts set aside for independents, a major step forward. In fact, that assurance subsequently turned out to be not entirely reliable when the hard bargaining began in Baku, with the mediation of the ODIHR. Nevertheless, the agreement eventually reached did give opposition parties an opportunity to block decisions taken by the pro-presidential majority and was acclaimed by ODIHR as a fair and necessary compromise.

Since then, unfortunately, the process has collapsed. Azerbaijan's parliament passed an election law on July 5 that did not include amendments recommended by the ODIHR to bring the legislation into accord with OSCE standards. The law excludes an opposition party registered in February 2000 from fielding a party list; other problematic aspects include territorial and local election commissions which are effectively under government control, the restriction of voters' rights to sign petitions nominating more than one candidate or party, and the right of domestic observers to monitor the election.

President Aliev claims that he proposed modifications to the election law but parliament refused to accept them. This assertion, considering his hold on the legislature—where a loyal, pro-presidential party controls over 80 percent of the seats—is simply not plausible. In any case, if he did not approve of the law, he could have vetoed it. Instead, he signed it.

On July 7, the ODIHR issued a press release ''deploring'' shortcomings in the election law. Opposition parties refused to participate in the work of the Central Election Commission unless the law is changed. In response, parliament amended the Central Election Commission law, depriving the opposition of the ability to block decisions. On July 20, 12 political parties, among them the leading opposition parties, warned that if parliament refuses to amend the election law, they will boycott the November ballot. Most recently, the State Department issued a statement on July 24, regretting the recent actions of Azerbaijan's parliament and urging the government and parliament in Baku to work with ODIHR, the opposition and non-governmental organizations to amend the election law in accordance with OSCE standards.

Mr. Speaker, this turn of events is extremely disappointing. The last thing Azerbaijan needs is another election boycott by opposition parties. The consequences would include a parliament of dubious legitimacy, deepened distrust and societal polarization, and a movement away from electoral politics to street politics, which could threaten the country's stability. November's election offers a historic opportunity to consolidate Azerbaijani society. It is essential for the future development of Azerbaijan's democracy and for the legitimacy of its leadership that the election be free and fair and the results be accepted by society as a whole.

This resolution calls on the Administration to remind President Aliev of the pledge he made in August 1997 to hold free and fair elections, and urges Azerbaijan's Government and parliament to accept ODIHR's recommendations on the election law, so that it will meet international standards. I hope my colleagues will join me, Mr. HOYER, Mr. PITTS and Mr. CARDIN in this effort, and we welcome their support.

COMMUNITY RENEWAL AND NEW MARKETS ACT OF 2000

SPEECH OF

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong and enthusiastic support of the Community Renewal and New Markets Act of 2000.

First of all, Mr. Speaker, I want to thank Chairman ARCHER and Ranking Member RANGEL of the Ways and Means Committee for their support in this legislation being on the floor today and I want to thank the Speaker for scheduling. Secondly, I want to thank President Clinton and Speaker HASTERT for their leadership to commitments to try and help the most distressed, disadvantaged and poverty stricken areas of the country, in both urban and rural America. Thirdly, I want to commend and congratulate my colleagues and principal originators and cosponsors of this legislation, Chairman JIM TALENT; chairman of the Small Business Committee and Representative J.C. WATTS for their relentless efforts to make this legislation a reality. And Mr. Speaker, I want to thank all of those who have indicated support for a small, but seriously important step forward, in reality a giant step as we move to uplift downtrodden communities and put hope back into the hearts of our people.

This legislation is designed to do what none of our efforts have effectively done, which is seriously attract business and redevelopment efforts to the poorest communities in our nation. This legislation is no hollow sounding rhetoric, it is no flash and dash, it is no pig in a poke. It is economically sound, socially relevant and based upon the principles of free enterprise. It takes forty Renewal communities and provides tax incentives, lifts restrictions and barriers, provides for capital gains tax for five years, investment programs, wage incentives, environmental clean-ups, CRA credits, Commercial Revitalization, Tax Credit Opportunities to rehabilitate dilapidated housing, venture capital to start businesses and the promotion of Faith-Based Drug Counseling initiatives.

I know that some of my colleagues have concerns about this provision, suggest that it infringes upon the separation of church and State and even go so far as to suggest that it is unconstitutional. This is absolutely untrue!

In the charitable choice arena, this bill breaks no new ground! First of all, H.R. 4, the current Welfare Law, allows States to contract out their social services to both religious or non-religious providers. In addition, H.R. 4271, the Community Services Authorization Act of 1998, Senate Bill S. 2206 and H.R. 1776, the American Home Ownership and Economic Opportunity Act all have some charitable choice provisions. Even under the establishment of the Religion Clause of the First Amendment, (1) Religious organizations are generally eligible to participate as grantees or contractors in such programs. But the clause has generally been interpreted to bar government from providing direct assistance to organizations that are pervasively sectarian.

As a consequence, government funding agencies have often required social service providers, as conditions of receiving public funds, to be incorporated separately from their sponsoring religious institutions. They are to refrain from religious activities and proselytizing in the publicly funded programs and to remove any religious symbols from the premises in which the services are provided. The establishment clause, in short, has been construed to require religious organizations to secularize their services as a condition of obtaining public funding. ACRA's drug treatment provision is the same. It voucherizes the Substance Abuse Block Grant and other treatment Block Grants and allows the patient to decide where to use the voucher.

The courts have found that our government can provide assistance directly to enterprises operated by religious concerns as long as it is not pervasively sectarian and that grantees devise ways of involving other organizations including religious ones, in the delivery of such services.

In the Aguilar vs. Felton case, the Supreme Court ruled that it was constitutionally permissible for public school teachers to provide remedial and enrichment educational services to sectarian school children on the premises of the schools they attend. Thus, the Court has ruled that as long as the client has a choice among providers both religious and non-religious and the participant makes the decision, then the choice is constitutional.

And so, Mr. Speaker, even though I understand the concerns expressed by some of my colleagues, the law is the law. The constitution is the constitution and the legislation is in compliance with both. Therefore, I urge a ''yes'' vote to help the people renew their hope and rebuild their communities. I am reminded of the scripture, they rebuild the walls because the people had a mind to work. This legislation will work to help restore and rebuild faith in America.

REMEMBERING JOHN ELLIOTT

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LoBIONDO. Mr. Speaker, thank you for allowing me the opportunity to recognize and pay tribute to the memory of fine young man, Ensign John R. Elliott, 22 of Egg Harbor Township who passed away on Saturday, July 22, 2000.

I would like to offer my deepest sympathy to John's family and friends for their loss of a son, a brother, a grandson, a nephew, a cousin, and a friend. I am truly saddened by John's death and hope that his family and friends may experience peace and comfort in this time of sorrow.

I met John in the fall of 1995 when he participated in the application process for admission to one of our nation's four academies. John expressed his desire to serve in the United States Navy. I had the privilege of nominating him to the United States Naval Academy. In the spring of 1996, he was appointed and accepted by the United States Naval Academy as a member of the Class of 2000.

While at the Academy, John was designated to participate in the United States Navy Honors program, nothing new to a young man who was among the top five graduates in the 1996 Egg Harbor Township High School graduating class, a National Merit Scholar and class president. John was recognized for his exceptional achievement in the fields of math and science and graduated with a Bachelors in Science Degree with merit in systems engineering. Upon graduation, he received his commission as an ensign in the Navy and was to attend flight school in Pensacola, Florida.

As his father has said, he was filled with hopes and dreams for his future. John's hopes and dreams can still be realized in the memory of John's accomplishments. John was an intelligent, hard-working and popular young man, respected and liked by his peers, a successful student and fine young man who had a bright future with the United States Navy. John was one of our best and brightest. He epitomized all that makes the United States of America the greatest nation on the face of the earth.

My thoughts and prayers are with John's parents, Bill and Muriel Elliott of Egg Harbor Township, his sister Jennifer, his grandmother Audrey Moyer, his aunts and uncles Pamela and Randall Johns, Robert and Deborah Elliott, and Artis and Stephen Hoffman, and the rest of his family and friends during this time of grief.

CARL ELLIOTT FEDERAL BUILDING

SPEECH OF

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. DINGELL. Mr. Speaker, I rise in support of the gentleman from Alabama's resolution. It is both fitting and appropriate to recognize my former colleague, Carl Elliott, by naming a public building in his honor. Because not only was Carl Elliott a good and decent man, but a dedicated and capable public servant who gave much to Alabama and his country.

It was just last week that we debated federal aid to libraries. I would remind my colleagues that it was Carl Elliott who began the crusade for library funding, and it is he who is responsible for the Library Services Act.

Carl Elliott was a man of principle and foresight. He was a tireless advocate on behalf of education, working to secure federal assistance for low income, poverty-stricken school districts and students across Alabama and the United States. In doing so, he helped give poor students access to higher education and job opportunities based on their ability and merit rather than economic background.

But his thoughtfulness and humanity on racial issues is noteworthy. At a time of great tumult in the South and Alabama over racial issues, Carl Elliott chose to be on the right side of history and do what was just rather than what was politically expedient. Long after the debate was over and their own political futures were secure, many public officials in the South expressed regret for their positions in opposition to civil rights and race issues in the '60's. But it was people like Carl Elliott who bravely faced the political winds and surrendered their offices, yet not their principles.

Mr. Speaker, I would ask my colleagues to support this resolution and join me in honoring a good man and public servant who did much for his state and country, Carl Elliott.

DEVELOPMENTAL DISABILITIES ASSISTANCE AND BILL OF RIGHTS ACT OF 2000

SPEECH OF

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. GEKAS. Mr. Speaker, I am honored today to help mark the 10th anniversary of the Americans With Disabilities Act. Members in this body can be justifiable proud of efforts taken to enact that law which has been a force for good and has given many persons otherwise excluded from participation in our society the opportunity to contribute their talents and enjoy the full benefits of our Nation.

I recall the ringing support for enactment of the act before my Judiciary Committee from the then-Attorney General, Richard Thornburgh, who had been the Governor of my State of Pennsylvania. Attorney General Thornburgh's view of the disabled and their struggles was influenced by a family encounter himself with disability—as was also President Bush. Their sensitivity to the condition of others provided the environment that enabled the ADA to be enacted.

In 1986, President Ronald Reagan received a report entitled ''Toward Independence'' from the National Council on Disability. That report recommended the enactment of comprehensive legislation to ban discrimination against persons with disabilities. Subsequently, the Bush administration, together with the Congress and the disabled community, crafted this excellent legislation which has meant so much not only for those disabled by nature but also those additionally victimized by society's ignorance and neglect. Because of this law, great talent has been unleashed by simple changes in the physical environment in homes and in the workplace. But even more so, our physically enabled citizens have gained immeasurably themselves from contact with their disabled brothers and sisters. They have seen on a daily basis the struggle, the effort, and the dedication of those who have overcome so much to enter an environment from which they were formerly excluded. These people did not want a handout, they wanted to put their hands out, to work and live in their own communities and all of us are better for their efforts.

Mr. Speaker, only 10 years have passed since the enactment of the ADA but it has already enabled countless citizens to begin the journey toward our goal of complete integration of society based upon talent, merit, and effort. We have seen with our own eyes the progress that has been made as we stand at the act's 10-year anniversary and I am anxiously anticipating the dreams that will be realized in the future for all Americans.

NATIONAL RECORDING PRESERVATION ACT OF 2000

SPEECH OF

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. THOMAS. Mr. Speaker, the physical condition of many of the nations' culturally, historically, and aesthetically important sound recordings are at-risk because of poor storage conditions and inadequate preservation. With the passage of H.R. 4846, the National Recording Preservation Act of 2000, the Congress will create a public-private partnership to ensure that important sound recordings are preserved and restored.

With the National Digital Library, the national audiovisual conservation center at Culpeper, VA, the Library of Congress's film registry program and now the sound recording registry program, the Congress has created groundbreaking public/private partnerships that minimize taxpayer investment while ensuring the preservation of America's cultural history.

I would like to thank the ranking minority member of the Committee on House Administration, Mr. HOYER, the Committee on the Judiciary and its chairman, Mr. HYDE, the Library

of Congress, interested Members of Congress, and the sound recording industry for working to make this legislation possible.

BULLETPROOF VEST PARTNERSHIP GRANT ACT OF 2000

SPEECH OF

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 2000

Mr. LoBIONDO. Mr. Speaker, I am very pleased to come before you today in support of H.R. 4033, the Bulletproof Vest Reauthorization Act of 2000. This noncontroversial, bipartisan legislation was introduced by the gentleman from Indiana, Mr. VISCLOSKY and myself on March 20, and passed out of the full Judiciary Committee by voice vote on July 20.

To me, this is a very simple issue and one that I know well. I firmly believe that when a police officer is issued a badge and a gun, they should also be issued a bulletproof vest. When police officers put their lives on the line everyday protecting our neighborhoods—they deserve the highest level of protection and security, which only a bulletproof vest can provide.

When I first introduced the original Bulletproof Vest bill during the 105th Congress, I modeled the program after the Vest-a-Cop and Shield-The-Blue programs established in Southern New Jersey many years ago. When I was first elected to Congress, then-Sergeant Rich Gray, an Atlantic County police officer in Pleasantville came to me telling me of a program that they had put together in Atlantic County, NJ.

Sergeant Gray, who is now Chief Rich Gray of the Pleasantville Police Department, and a very dedicated group of police officers decided that it was time to do something about those who were defending our citizens every day without protection. They started a program called Vest-A-Cop. The Vest-A-Cop program began to grow in Atlantic County and it was the genesis for the idea that I had and subsequently found out that my colleague, the gentleman from Indiana (Mr. VISCLOSKY), had from his district in Indiana.

At that time, the Vest-A-Cop program was actually raising money in a variety of different ways. They were reaching out to the community asking people to understand the needs of police officers and asking those in the community to contribute. We had Scouts who were basically baking cookies and cupcakes and selling them. We had events of all different kinds that were providing vests one and two and three at a time.

This program is one that we modeled after at, and we realized that doing it piecemeal was not going to really cut it and protect our officers for what they needed.

The current Bulletproof Vest Partnership program has enabled police jurisdictions across the nation to purchase over 180,000 bulletproof vests in the last 2 years—180,000 vests that probably would not have been purchased otherwise. However, due to the tremendous popularity of the program, and the program became much more popular than we ever anticipated, we were not able to meet all of the demands. None of the jurisdictions received the full 50–50 federal/state match this year, and, in fact, the Department of Justice reported that jurisdictions with under 100,000 residents received a disproportionately low share of federal funds—an average of only .22 cents on the dollar came from the federal government.

Mr. Speaker, that is not what we in this House originally intended, and this legislation helps correct that.

This bill before us today will extend and improve the current Bulletproof Vest program. First, the annual authorization will be doubled from $25 million to $50 million per year through the year 2004, extending the program for 3 more years. Extending this program is critical in enabling officers across the nation with the opportunity to take advantage of this program which has been proven to save lives.

Second, language was included in the bill which guarantees smaller jurisdictions a fair portion of funding.

Finally, those jurisdictions and corrections officers who have been waiting for the national stab-proof standard to be approved by the Department of Justice will be able to purchase state-approved bulletproof and stab-proof vests. This is a very big improvement from where we were on the last go-around.

The stab-proof issue is of particular interest to me because it hits very close to home. Corrections Officer Fred Baker of my district in New Jersey was stabbed to death while on duty at the Bayside State Prison. Officer Baker was not wearing a vest at the time. We can only speculate as to whether his life would have been spared had he been given an opportunity to wear a vest, but many of us believe that he been given that opportunity, Officer Baker would be alive today and his wife and child would have a husband and father to come home to.

If Officer Baker had the chance to wear a vest, I am sure that he would not have hesitated to put that vest on.

It is critical that Members vote in favor of this legislation. According to the FBI, an average of over 100 officers are assaulted every day, and in 1999, 139 officers were slain while in the line of duty. There are still thousands of officers on duty who do not have access to these life-saving vests. This is an opportunity for us as Members of Congress, who talk so often about the importance of law enforcement, who talk about what we can do to protect themselves as they keep our citizens safe, this is our opportunity.

This common-sense bill has gained the support of 264 bipartisan cosponsors as well as major law enforcement organizations across the Nation. I would like to commend those involved with bringing this bill to the floor today.

I would first like to thank the majority leader, the gentleman from Texas (Mr. ARMEY), who put up with my pleas and pestering for so very long about the importance of this bill; the gentleman from Illinois (Mr. HYDE); and the subcommittee chairman, the gentleman from Florida (Mr. MCCOLLUM).

I would also like to thank my colleague, the gentleman from Virginia (Mr. SCOTT), for his help in this effort. The gentleman from Virginia (Mr. SCOTT) was influential on the Committee on the Judiciary as we were moving this bill through the legislative process; and saving for last, my colleague, the gentleman from Indiana (Mr. VISCLOSKY).

The gentleman from Indiana (Mr. VISCLOSKY) and I have worked on this bill from the very beginning. This is probably a great example of a bipartisan partnership developed to move legislation that is meaningful and can do something in a very positive way to save lives. This is the bottom line here.

Mr. Speaker, many times in the House when there are good ideas that come before us, we do not get a chance to act on them. I think, to reiterate what I mentioned earlier, this is a great example of a positive partnership. These are ideas that are generated within our districts from citizens and police officers and law enforcement officers and corrections officers who are in the real world every day, protecting our neighborhoods, as we heard our other colleagues talk about.

Instead of having to have local community groups raise money just a little bit at a time, the officers in New Jersey in the Second District, officers like Dominic Romeo in Cape May County, in the city of Wildwood, Chief Rich Gray, Shield-the-Blue, the corrections officers of PBA–105, all those who are associated with the Vest-A-Cop program can look to us here in Washington and realize that we have joined together in a very special way, in a very bipartisan way, to generate legislation that means a great deal to law enforcement across this Nation.

Mr. Speaker, I urge all Members of this body to vote for this legislation and show their commitment to law enforcement officers by voting for H.R. 4033.

PRACTICAL FARMERS OF IOWA (PFI)

HON. LEONARD L. BOSWELL

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. BOSWELL. Mr. Speaker, I am pleased to recognize a public-private partnership between Iowa State University and the organization Practical Farmers of Iowa. In April this partnership was awarded one of 16 National Awards for Environmental Sustainability by Renew America. Since 1989, Renew America has been bringing national attention to constructive, community based programs through which average citizens are meeting the challenges of sustainable development.

A private, nonprofit organization, Practical Farmers of Iowa (PFI) was begun in 1985 as a vehicle to share information from farmer to farmer about how to farm successfully using sustainable methods. The farmers and other agricultural professionals who originated the organization recognized that, while the university system was becoming active in researching alternative farming methods, there was also a wealth of indigenous knowledge among producers. PFI was formed to be a conduit and ''amplifier'' for that information.

PFI initiated a network of on-farm research and farm field days in 1987 using straightforward protocols that farmers can use to plan, implement, and analyze their own on-farm research. It was at this point that far-sighted leaders at Iowa State University saw the opportunity for collaboration with Practical Farmers of Iowa, and the leadership of PFI responded. Out of the partnership grew the statewide on-farm research program with an ISU Extension agronomist as coordinator.

The on-farm research and dissemination effort has grown to include new kinds of research and new kinds of collaborators, both in

the farming community and within the university. The PFI–ISU partnership is a ''lightning rod'' allowing the university to respond quickly to new issues, issues as diverse as animal-friendly swine production systems, alternative parasite control methods, local food systems and community-supported agriculture (CSA). The partnership also provides the university with thoughtful and sometimes critical feedback concerning research and technology development

The PFI–ISU partnership was among the first between a university and a sustainable agriculture organization, and it is among the more successful. It is a credit to the leadership on both sides, reflecting a science-based approach and cordial relationships. The project has drawn in scientists from many disciplines, providing skilled farmer-collaborators and a support constituency for research into topics as diverse as integrated pest management, soil quality, intercropping, energy crops, prairie restoration, synthetic corn varieties, family allocation of labor, deep-bedded swine systems, specialty marketing, and the social impacts of sustainable agriculture. The membership of PFI brings a built-in ''conscience'' to the collaboration that keeps it focused on the issues relevant to sustaining the land, farm families, and communities. In the past decade as our understanding of sustainable agriculture has deepened and broadened, this partnership has provided a forum through which that process has advanced.

PERSONAL EXPLANATION

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. GRANGER. Mr. Speaker, due to travel for a funeral, I was not present for several rollcall votes last evening.

Had I been present, I would have voted ''aye'' on rollcall Nos. 436, 437 and 438.

A REAL MEDICARE DRUG BENEFIT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Ms. SCHAKOWSKY. Mr. Speaker, I wish to share with my colleagues an Op-ed by Paul Krugman that appeared in today's New York Times. This thoughtful piece dispels the myth that prescription drug insurance plans for the elderly are the answer to lower drug prices.

Mr. Krugman bases his conclusion on the fact that the market will not allow for prescription drug only plans, since the cost of premiums to seniors would be prohibitive. He clearly states that the only way to ensure the success of a Medicare prescription drug benefit ''is to make the coverage part of a government program.''

He adds, ''Republican leaders in the House, in particular, are true believers in the miraculous powers of the free market—they are in effect members of a sect that believes that markets will work even when the businessmen actually involved say they won't, and that government involvement is evil even where conventional analysis says it is necessary.''

From the start, Republicans in Congress crafted a prescription drug bill that would guarantee only one thing—that the pharmaceutical companies can continue to price gouge seniors. The President and Democrats in Congress want to give seniors a Medicare prescription drug benefit that is universal, voluntary, and affordable, and builds on the current structure of Medicare.

Below is the full text of Mr. Krugman Op-ed.

[From the New York Times, July 26, 2000]

RECKONINGS; PRESCRIPTION FOR FAILURE

(By Paul Krugman)

In denouncing President Clinton's plan to extend Medicare coverage to prescription drugs, and in touting their own counterproposal, Republicans have rolled out the usual rhetoric. They excoriate the administration plan as a bureaucratic, ''one size fits all'' solution. They claim that their plan offers more choice.

And for once their claims are absolutely right. The Republican plan does offer more choice. Unfortunately, this is one of those cases in which more choice is actually bad for everyone. In fact, by trying to give people more choices the Republican plan would end up denying them any choice at all.

Where Democrats want to offer drug coverage directly to Medicare recipients, the Republicans propose to offer money to private insurance companies instead, to entice them into serving the senior market. But all indications are that this plan is a non-starter. Insurance companies themselves are very skeptical; there haven't been many cases in which an industry's own lobbyists tell Congress that they don't want a subsidy, but this is one of them. And an attempt by Nevada to put a similar plan into effect has been a complete dud—not a single insurer licensed to operate in the state has shown any interest in offering coverage.

The reason is ''adverse selection''—a problem that afflicts many markets, but insurance markets in particular. Basically, adverse selection is the reason you shouldn't buy insurance from companies that say ''no medical exam necessary'': when insurance is sold to good and bad prospects at the same price, the bad risks drive out the good.

Why can't the elderly buy prescription drug insurance? Suppose an insurance company were to offer a prescription drug plan, with premiums high enough to cover the cost of insuring an average Medicare recipient. It turns out that annual spending on prescription drugs varies hugely among retirees—depending on whether they have chronic conditions, and which ones. Healthy retirees, who know that their bills won't be that high, would be unwilling to buy insurance that costs enough to cover the bills of the average senior—which means that the insurance plan would attract only those with above-average bills, meaning higher premiums, driving still more healthy people away, and so on until nobody is left. Insurance companies understand this logic very well—and are therefore simply not interested in getting into the market in the first place.

The root of the problem is that private drug insurance could be offered at a reasonable price only if people had to commit to paying the necessary premiums before they knew whether they would need expensive drugs. Such policies cannot be offered if those who find out later that they don't require such drugs can choose to stop paying what turn out to be unnecessarily high premiums.

And while in principle one could write a contract that denies the insured the choice of opting out, just try to imagine the legal complications if a private company tried to force a healthy retiree to keep paying high premiums for decades on end, even though he turns out not to need the company's benefits. As a practical matter the only way to avoid this opt-out problem, to enforce the kind of till-death-do-us-part commitment needed to make drug insurance work, is to make the coverage part of a government program.

All of this is more or less textbook economics. So why are Republican leaders insisting on a plan that almost nobody familiar with the issue thinks will work?

Cynical politics no doubt plays an important role. So does money; the insurance industry is by and large against the Republican plan, but the pharmaceutical industry is very anxious to avoid anything that might push down drug prices, and fears that the administration plan will do just that. But sincere fanaticism also enters the picture. Republican leaders in the House, in particular, are true believers in the miraculous powers of the free market—they are in effect members of a sect that believes that markets will work even when the businessmen actually involved say they won't, and that government involvement is evil even where conventional analysis says it is necessary.

The Republican plan is, in short, an assertion of a faith that transcends mundane economic logic. But what's in it for us heathens?

TRIBUTE TO THE HONORABLE KATY GEISSERT

HON. STEVEN T. KUYKENDALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. KUYKENDALL. Mr. Speaker, I rise today with sadness to remember and honor former Torrance Mayor, Katy Geissert. Katy passed away last week after a courageous fight against lung cancer.

Katy was a pioneer in South Bay politics. In 1974, Katy became the first woman elected to the Torrance City Council. After serving three terms, she became the first woman elected Mayor of the City of Torrance. Katy paved the way for women to hold public office in Torrance. A resident of Torrance for nearly a half-century, Katy was actively involved in the local community.

Her contributions to the Torrance community are numerous. Katy was the Founding President of the Torrance Cultural Arts Center Foundation, past chairman of the Torrance Salvation Army Advisory Board, consultant to the South Bay/Harbor Volunteer Bureau, and charter board member of the Torrance League of Women Voters.

People will remember Katy for her allegiance to the South Bay. She was deeply committed to the local community and its residents. Katy will be missed. The community she represented is a better place to live because of her service.

IN MEMORY OF JAN KARSKI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LANTOS. Mr. Lantos. Mr. Speaker, I rise today to invite my colleagues in Congress

to join me in paying tribute to Jan Karski, who passed away on July 13th at the age of 86. A man of extraordinary courage, Karski risked his life to journey into the danger of the Warsaw ghetto and the Belzec death camp as a member of the Polish underground during World War II. He did this to gain first hand information and then convey the horrors of the Nazi regime to the Allied leaders. The enormity of Karski's task was confirmed after his meeting with the head of the Zionist organization and the leader of the Jewish Socialist Alliance. According to Karski, his mission was to transmit material to the Polish and Allied governments which ''constituted the expression and contained the information, sentiments, requests, and instructions of the entire Jewish population of Poland as a unit, a population that was at the moment dying as a unit.''

After speaking with London authorities in 1942, Karski's frightful accounts were met with disbelief and denial. Yet he continued to deliver his searing report of Nazi atrocities and of Hitler's Final Solution, spending months briefing government and community leaders in Britain and in the United States. It is difficult to imagine the turmoil Karski must have suffered, as he was constantly called upon to recall the ghastly scenes he had witnessed and to recount the new unprecedented criminality. Because of his perseverance, Karski is credited with providing President Franklin D. Roosevelt with the motivation to establish the United States War Refugee Board, an organization that saved tens of thousands of Jewish lives toward the end of World War II.

Born in 1914 in Lodz, Poland, Dr. Karski received a Master's Degree in Law and another Master's Degree in Diplomatic Sciences at the Jan Kazimierz University in Lvov in 1935. After completing his education in Germany, Switzerland, and Great Britain in the years 1936–38, he entered the Polish diplomatic service. His following years were marked by extraordinary contributions to Nazi resistance efforts. Conscripted into the Polish army in August 1939, Karski was eventually taken prisoner by the Red Army and sent to a Russian prisoner of war camp. He escaped in November 1939, returned to German-occupied Poland and joined the anti-Nazi underground. Because of his knowledge of languages and foreign countries, he was used as a courier between the government-in-exile in London and underground authorities in Poland. In this capacity he made several secret trips between France, Great Britain and Poland. In August of 1943, he personally reported to President Roosevelt, Secretary of State Cordell Hull, Secretary of War Henry L. Stimson, and other United States government leaders.

After the war, Jan Karski moved to the United States where he married, became an American citizen, and received a doctorate from Georgetown University. Mr. Karski went on to have a distinguished academic career at Georgetown, and he also served as a special envoy and as a witness for the American government on a number of occasions. In 1956–57, and again in 1966–67, he was sent by the State Department on six-month lecture tours to sixteen countries in Asia and in French-speaking Africa. On numerous occasions, he was asked by various Congressional committees to testify on Eastern European Affairs. He lectured extensively at the Defense Intelligence Air University, Industrial College of the Armed Forces, and other government and civic institutions.

Mr. Karski is also a respected author. His book, ''Story of a Secret State'', which describes his experiences during World War II, was a bestseller. He was awarded a Fulbright Fellowship to inspect Polish, British and French archives for his major scholarly work, ''The Great Powers and Poland, 1919–45'' (from Versailles to Yalta). His many honors also include the distinction of ''Righteous Gentile,'' bestowed by the Yad Vashem Holocaust Memorial in Jerusalem. Karski is also an honorary citizen of Israel, the recipient of a special citation by the United Nations, and the recipient of the Order virturi Militair, the highest Polish military decoration.

Jan Karski's humility was always evident throughout his life. When visiting the United States Holocaust Memorial Museum, he came upon the Rescuer's Wall, where tribute is paid to non-Jews who helped to save Jewish lives. He quickly passed the plaque upon which his own name was inscribed, instead preferring to seek out the names of his underground comrades. He was always quick to point out that ''the Jews were abandoned by governments, by church hierarchies, and by societal structures. But they were not abandoned by all humanity.'' He felt that he was no different from anyone else who tried to ease the plight of the Jewish people. Remarkably, he insisted that he did ''nothing extraordinary.''

In an editorial last week paying tribute to Jan Karski, the Washington Post (July 19, 2000) observed: ''A community's heroes are not necessarily its noisiest or most prominent citizens. Certainly neither adjective applied to Jan Karski, . . . but Mr. Karski was an authentic moral hero.'' Despite his protestations, Jan Karski's contribution to humanity was indeed remarkable. Shimon Peres said, ''A great man is one who stands head and shoulder above his people, a man who, when surrounded by overpowering evil and blind hatred, does all in his power to stem the tide. Karski ranks high in the all-too-brief list of such great and unique personalities who stood out in the darkest age of Jewish history.'' And in the words of Elie Wiesel: ''Jan Karski: a brave man? Better: a just man.''

Mr. Speaker, once again I invite my colleagues to join me in paying tribute to the courage and selflessness of Jan Karski. He was an authentic moral hero who risked his life to fulfill what he considered to be his duty as a human being.

PERSONAL EXPLANATION

HON. WILLIAM L. JENKINS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. JENKINS. Mr. Speaker, on roll call no. 429, on motion to grant the consent of the Congress to the Kansas and Missouri Metropolitan Culture District Compact, had I been present, I would have voted ''yea''; on roll call no. 430, motion to Community Renewal and New Markets Act, had I been present, I would have voted ''yea''; on roll call no. 431, motion on Innocent Child Protect Act, had I been present, I would have voted ''yea''; on roll call no. 432, motion on Veterans Claims Assistance Act, had I been present, I would have voted ''yea''; on roll call no. 433, to suspend the rules and agree to Fisherman's Protective Act Amendments, had I been present, I would have voted ''nay''; on roll call no. 434, on motion to National Underground Railroad Freedom Center Act, had I been present, I would have voted ''yea''; on roll call no. 435, on motion to permitting the Secretary of the Interior to acquire title to the Hunt House located in Waterloo, NY in the Women's Rights National Historical Park, had I been present, I would have voted ''yea''; on roll call no. 436, on motion to designating the Carl Elliott Federal Building in Jasper, Alabama, had I been present, I would have voted ''yea''; on roll call no. 437, on motion to expressing the sense of Congress concerning the 210th Anniversary of the Establishment of the Coast Guard, had I been present, I would have voted ''yea''; and on roll call no. 438, on motion to Miscellaneous Trade and Technical Corrections Act, had I been present, I would have voted ''yea''.

INDIA COALITION PARTNER THREATENS TO ENGULF COUNTRY IN VIOLENCE

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DOOLITTLE. Mr. Speaker, last week, Bal Thackeray, founder and head of Shiv Sena, threatened to engulf India in violence if he is held accountable for his part in thousands of deaths in 1992.

Shiv Sena is a coalition partner of the ruling BJP. Shiv Sena has been assigned responsibility for the bombing of the Ayodhya mosque in Uttar Pradesh.

How could a democratic country accept a violent, intolerant person like this into the government? It is bad enough that the allies of the government commit atrocities and no one is ever held to account. Now a coalition partner says that he will engulf the country in violence. This shows that violence and intolerance are the prevailing way to life in India. Minorities are suffering from the intolerance of militant Hindu fundamentalists.

A wave of violence against Christians has swept India since Christmas 1998. The most recent incident was the bombing of two churches in the state of Karnataka. The violence against Christians has been so severe that they appealed to the international community for help. Churches have been burned and now bombed. There have been attacks on prayer halls, Christian schools, and other Christian institutions. Militant Hindu nationalists burned missionary Graham Staines and his two young boys to death in their jeep while they were sleeping.

These atrocities show the truth about India. If it is ''the world's largest democracy,'' how can it allow atrocities like this to keep occurring with nobody being held responsible? As the world's only superpower and the bastion of freedom for the world, we should take action. We should stop aid to India until all people within its borders enjoy human rights. And we should put the Congress on record in support of self-determination for the people of Khalistan, Kashmir, Nagalim, and all the countries seeking their freedom from India.

I submit the article on Mr. Thackeray into the RECORD, Mr. Speaker. I hope everyone will read it.

[From the New York Times International, July 17, 2000]

PROTESTS BY HINDU GROUP RAISE FEAR IN INDIA

BOMBAY, July 16 (Reuters)—Much of Bombay was shut down today by fear and protests over the possible prosecution of a militant Hindu leader in connection with riots that left more than 2,000 people dead in 1992.

Supporters of Bal Thackeray, the leader of the Hindu nationalist party Shiv Sena, took to the Streets Saturday after the Maharashtra State government decided to let the police prosecute him in the country-wide rioting. That violence, directed mainly at India's Muslim minority, erupted after the destruction of a mosque in the town of Ayodhaya, and Shiv Sena got most of the blame.

Police officials said no action had been taken to arrest Mr. Thackeray. but many shops closed and people stayed indoors here and in other parts of the state as Shiv Sena supporters pelted buses with stones and blocked commuter train services.

Today Mr. Thackeray appealed for calm, but on Saturday he was quoted as saying, ''Not only Maharashtra but the entire country will burn'' as a result of the decision, which he called ''an incitement to communal riots.''

CONGRATULATING HALF HOLLOW HILLS HIGH SCHOOL EAST

HON. RICK LAZIO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. LAZIO. Mr. Speaker, today I congratulate a distinguished group of students from the Half Hollow Hills High School in Dix Hills, New York.

These students recently won the Region 5 award at the ''We the People . . . the Citizen and the Constitution'' national finals held here in Washington, DC. This award is presented to the school in each of five geographic regions with the highest cumulative score during the first two days of the national finals. These outstanding young people competed against 50 other classes from throughout the nation and demonstrated a remarkable understanding of the fundamental ideals and values of American constitutional government.

Our United States Constitution is over 200 years old. Two-thirds of the world's constitutions have been adopted since 1970. Only fifteen other constitutions predate WWII and none predate the U.S. Constitution. Recent studies show that approximately half of American adults do not know that the purpose of the original Constitution was to create a federal government and define its power. The educators and students of Dix Hills have proven that they do not fall into this category and it is an honor to recognize their achievement.

I wish to congratulate Ms. Gloria Sesso and her students Isaac Chen, Jeffrey Chernick, Alyssa Cohen, Zachary Cohn, Michael Givner, Michael Gold, Sarah Gowrie, Yonathan Hertz, Michael Lee, Jonathan Lehrer, Jessica Levine, Amanda Manaro, Seth Moskowitz, Brian Nakash, Justin Pomerantz, Rahul Sharma, Jared Stone, Jeffrey Tsai, Lauren Tuzzolino, and Jared Warshaw.

HONORING PHILIP ROSENBLOOM

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to Philip Rosenbloom of Monmouth Beach, Monmouth County, who will be celebrating on August 1st his 75th birthday. Phil Rosenbloom has devoted much of his adult life enhancing the civic and cultural life of my district, and I wish to honor his contributions.

A native of Monmouth County, Phil Rosenbloom grew up in Asbury Park, where his family owned the local print shop. The printing business became his vocation as well, and he gradually built his own successful printing corporation based in New York, where he produced record album jackets and direct mail advertising for manufacturers of records, tapes, and CD's. However, if printing was his business, his passion since his childhood days has been great jazz music. Phil often said that his fantasy of the perfect life would be to own a little saloon where he would invite the great jazz musicians in the country to play and he could listen all day long.

But Mr. Speaker, we pay tribute to Phil because he is not just a listener—he is a ''doer.'' While establishing his career in the printing business, he and his wife, Norma, raised three sons just a few miles away from his boyhood home. He served on the Board of Trustees of Temple Beth Miriam; he chaired committees for Planned Parenthood of Central New Jersey; he served as President of the Board of Trustees of the Monmouth County Arts Council; he currently sits on the Monmouth Beach Planning Board. In the 1960's, when my district was experiencing the racial tensions prevalent throughout the country, Phil was an outspoken advocate for civil rights and racial harmony. He is a life member of the NAACP.

Perhaps his most noteworthy achievement was to find a way to share his love of music and theater with the citizens of Monmouth County. After selling his business and ''retiring,'' Phil devoted his energy and enthusiasm to the transformation of a run-down movie house in Red Bank into the Count Basie Theatre, now a newly-renovated and vibrant cultural center. Under his presidency of the theater, he has helped bring music, plays, and other arts to the children of our district, and he has helped create a showplace for great jazz. He also helped establish a jazz scholarship to a leading school of music, which will be presented on an annual basis to deserving young jazz musicians in our district. He continues to serve as a trustee of the theater.

Phil and his wife, Norma, a classically-trained pianist, a former high school music teacher, and now a family law attorney, live in Monmouth Beach. They have three sons, David, James, and Eric, and three grandchildren. All of their sons learned from Phil and Norma the importance of building their adult lives around giving service to others.

Mr. Speaker, when we think of a life well-lived, we think about dedication to family, to community, and to place of worship. We think about balancing hard work with a love and passion for our culture's highest forms of expression—theater, art, and music. Phil Rosenbloom certainly embodies, and continues to embody, the meaning of a well-lived life. Mr. Speaker, I urge my colleagues to join me today in honoring Phil Rosenbloom and celebrating with him his 75th birthday.

IN HONOR OF THE GRAMERCY PARK BLOCK ASSOCIATION AND ITS FOUNDERS, ARLENE HARRISON AND TIMOTHY COHEN

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to pay special tribute to The Gramercy Park Block Association and to its founders, Arlene Harrison and Timothy Cohen. The Gramercy Park Block Association is an invaluable organization that works tirelessly to improve the safety, security, and quality of life of those New Yorkers who live in and around Gramercy Park.

In the fall of 1993, Mr. Cohen, who was only fifteen years old at the time, was savagely beaten in an unprovoked attack by a neighborhood gang. After his recovery, Mr. Cohen and his mother, Ms. Arlene Harrison, began a campaign to improve the quality of life in the area in which they live.

Ms. Harrison and Mr. Cohen have pioneered the development of innovative, community based techniques to combat crime and improve the day-to-day quality of life for fellow Gramercy Park residents.

Ms. Harrison and Mr. Cohen created and implemented Operation Interlock, an emergency police radio network and have successfully campaigned to improve community ties with their local police precincts. The Block Association's partnership with the Police Department's 13th Precinct has received national media attention as a model of how a police-community partnership can work to reduce crime in a neighborhood. Other police forces from around the nation are currently exploring the possibility of implementing Operation Interlock in their own respective jurisdictions.

In addition, the Association has successfully lobbied to increase both the wattage and the number of street lights around Gramercy Park and the Consolidated Edison energy plan. They have thereby made the neighborhood an increasingly safe place to walk at night.

Mr. Cohen and Ms. Harrison have also pioneered the development and implementation of many other local programs that promote community service and safety, for example, Operation ID, Block Watcher Training Sessions, Senior Citizen Escort, and Project Kidcare. Each of these programs serves a vital purpose in bringing the community together for a safer neighborhood.

In particular, Ms. Harrison and Mr. Cohen mobilized the community in support of the Kenmore Rehabilitation Plan to clean up the notoriously drug and crime-ridden Kenmore Hotel. They worked tirelessly with local organizations to rehabilitate the facility, providing a safer community and a more positive environment for a previously underserved group of tenants. Ms. Harrison now serves as the chair of the Kenmore Hall Advisory Board.

Mr. Speaker, I salute the work of the Gramercy Park Block Association and its founders, Mr. Timothy Cohen and Ms. Arlene Harrison, and I ask my fellow Members of Congress to join me in recognizing their contributions to the New York community and to our

country. I take pride in the fact that I have such model citizens living in my district.

BELLE DEMBY, 106 YEARS YOUNG

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. TOWNS. Mr. Speaker, I rise today to honor Belle Demby as she celebrates her 106th birthday.

Ms. Demby is a native of North Carolina who moved to Brooklyn as a teenager when her father got a job building the Fourth Avenue subway line. When she first arrived in Brooklyn, you could still find fresh chickens in open air markets on Third Avenue and Myrtle Avenue. She worked for $1.50 a day sweeping the platforms of the BRT subway line and probably never earned more than $12 a week throughout all of World War I.

For entertainment, she listened to music. As she recently told a New York Times reporter, ''I listened to the radio. What do you call them, Victrola? All I can tell you is it was a big box that had music in it.'' When the stock market crashed she and her husband both lost their jobs. To make ends meet, Ms. Demby worked in factories, laundries and anywhere she could get a job. She recalled recently how ''longshoremen were walking back and forth to the waterfront to see if a ship came in so they could get work.''

Belle Demby now lives near the Brooklyn Navy Yard in the Ingersoll Houses. Family and friends take turns reading her passages from the Bible. Although she is blind, she is still able to attend Bethel Baptist Church every Sunday with her daughter who is 87 and a grandson who at 69 is a grandfather himself.

Please join me in acknowledging the remarkable life of Belle Demby on her 106th birthday.

IN HONOR OF THE FIRST ANNIVERSARY OF THE COMPLETION OF THE KENMORE HOTEL RESTORATION PROJECT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mrs. MALONEY of New York. Mr. Speaker, I rise today to recognize the first anniversary of the complete restoration of the Kenmore Hotel. The hotel's story is a remarkable tale of cooperation between many different levels of government, NPOs, and private industry in the name of helping those citizens who most desperately need our assistance.

In 1927, the Kenmore Hotel was built by the family of Nathaniel West as an apartment hotel for working single New Yorkers. Throughout the 1970s and early 1980s the Kenmore became known as a hotel for the ''down and out'' and the community witnessed its decent from modest respectability to complete squalor. By the middle 1980s, the Kenmore's elderly and mentally ill tenants were preyed upon by drug dealers, loan sharks, and others engaged in criminal activities. By that time, the Kenmore had more than 500 building code violations, it had been the scene of multiple tenant murders, and it was, in short, uninhabitable.

After repeated failed attempts to convince the owner to clean up the hotel, I asked the Justice Department to step in. Under the direction of Attorney General Janet Reno, the Kenmore was seized in June of 1994, becoming the largest asset forfeiture in the history of the federal government. The United States Marshal Service, working together with the NYPD, carried out the seizure of the Kenmore and became the landlord to some 300 tenants. I worked with the Marshal Service and tenants to monitor the situation and made sure that the Kenmore returned to habitability as quickly as possible.

Two years later, on July 3, 1996, with $30 Million in hand from private investors, public (NYC and NYS) loans, a commercial loan, as well as a rent guarantee from NYC and Section 8 Vouchers from the Department of Housing and Urban Development, Housing and Services, Inc. (HSI) commenced a complete renovation of the premises. It was only this cooperation that enabled construction to begin.

The 641 single units were converted to 326 studio apartments each with a private bath, kitchen, and air conditioning. The tenants are now served by a 35 person staff that includes front desk personnel, maintenance and repair staff, social workers, and a full time on site manager. In addition, HSI brokered agreements with local health providers so that there are nurses, psychiatrists, and a myriad of other service providers offering on-site assistance to tenants in need. On May 4, 1999, I joined HSI, tenants, elected officials and community leaders at a ribbon cutting ceremony celebrating the completion of the renovations. In honor of the event the building was renamed Kenmore Hall.

This spring HSI and the Kenmore partnered with the 23rd Street Association, the GPBA (Gramercy Park Block Association), and the ACE Community Partnership to create a community improvement project that employs Kenmore tenants and other homeless persons. The project seeks to reduce homelessness by providing community improvement work and job readiness training for low income men and women. The program prepares once homeless men and women to reenter the workforce through community enhancement projects in the 23rd Street area, including environmentally focused neighborhood cleanup projects.

The Kenmore Story is one where all parties involved share in its success. This project demonstrates the remarkable results that are possible when everyone works together to fix a problem that has plagued an entire community. Nonprofit organizations, community groups, government officials and agencies, and the private sector all worked together to clean up the Kenmore and provide decent housing to a previously underserved group of tenants. Kenmore Hall has become a valuable community asset and a national model of supportive, affordable housing. I am proud to report that in my district, multilevel cooperation became a reality.

RYAN WHITE CARE ACT AMENDMENTS OF 2000

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DAVIS of Illinois. Mr. Speaker, I rise today in strong support of H.R. 4807, the Ryan White CARE Act Amendments.

The Ryan White CARE Act provides resources through states, localities, and agencies, all with the goal of improving the quality and availability of care of low-income, uninsured, and underserved individuals and families affected by HIV/AIDS. I am thankful for the many individuals and families who have been assisted and care for because of this landmark legislation. And I thank those health care providers, community health centers, and families who care for individuals with HIV/AIDS.

We have seen some successes as a result of the Ryan White Act. In fact, in the city of Chicago, the number of deaths due to AIDS decreased from approximately 1,000 per year in 1993–95 to only 377 during 1997. Also, the Ryan White Act is reaching out to the poor. On a national level, the average annual income of more than 50 percent of Ryan White clients have never exceeded $25,000 per year, compared with 27 percent of all HIV-positive clients in care in 1996. Furthermore, the AIDS Drug Assistant Program formulary was expanded from 33 drugs in 1996 to 65 drugs in 1997, including all protease inhibitors and antiretroviral therapies.

These reports are encouraging, however, Illinois is among the ten states in the nation reporting the highest number of AIDS cases from 1981 to 1999, that is, 22,348 individuals with AIDS in Illinois, 19,347 of those individuals living in Chicago. We can reach even more people through prevention and early diagnosis programs and we can treat even more people with greater access to the latest drugs and technology.

I therefore fully support the expanded provisions under the Ryan White Amendments. First of all, these new provisions revise the grant formula to reflect the prevalence of HIV infections and AIDS cases. Under current law, funds are distributed only on the basis of AIDS cases.

Secondly, the bill establishes a new supplementary competitive grant program for states in ''severe need'' of additional resources to combat the HIV/AIDS epidemic. In determining severe need, HHS will consider evidence of disparities in access and services and historically underserved communities.

Also, perinatal transmission of HIV is a problem that needs to be more fully addressed through early testing of the mother and baby and through counseling and treatment programs. I am pleased that this bill increases the authorization for the grant program dealing with perinatal HIV transmission by $20 million.

In addition to the provisions I mentioned, the Ryan White CARE Act Amendments would create focused efforts to reach prisoners with HIV/AIDS, reach individuals who are currently not receiving care, and eliminate disparities in access to services.

Mr. Speaker, I therefore rise in strong support of the Ryan White CARE Act Amendments.

A TRIBUTE TO RUBY'S COFFEE SHOP

HON. JOHN J. DUNCAN, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. DUNCAN. Mr. Speaker, a great Knoxville institution is closing, and it is a real loss to our area and to this Nation. Ruby's Coffee Shop in Burlington, in East Knoxville, will close this Saturday after 37 years in business.

This fine restaurant, where I have eaten many, many times, has been a friendly gathering place where friendships have been made and strengthened and problems have been solved. Almost everyone felt better and happier, physically and mentally, after a meal at Ruby's.

Owner Ruby Witt, her daughter, Mary Jo Netherton, her sister, Ann Henderlight, and the entire staff are wonderful, kind, big-hearted people. They have given great service and sympathetic ears to many thousands.

Their food was always outstanding and reasonably priced. At Ruby's, no matter who you were or how much money you had, you got good food and good treatment.

As long as I live, I will never forget Roy Berrier, one of the barbers at Barnes Barber Shop next door, coming in and breaking into a rendition of the song ''Pine Trees'' (his own song) in front of a full house at Ruby's

This Nation is a better place today because of places like Ruby's and the people who worked there. I am sorry to see this fine restaurant close, but I wish the very best to Ruby, her family, and staff.

I would like to call to the attention of my colleagues and other readers of the RECORD the following article which was published in the Knoxville News-Sentinel.

[From the Knoxville News-Sentinel, July 26, 2000]

RUBY'S TO CLOSE AFTER 37 YEARS

(By Don Jacobs)

No matter how savory the food at Ruby's Coffee Shop, it'll never match the warmth and friendliness exuded by the 37-year-old business' employees.

But that slice of Southern hospitality is about to be cut from the East Knoxville landscape with the closing Saturday of a business that has seated governors, senators, sports legends and even a vice president.

The small, family-operated business where customers are greeted by first name, are allowed to walk behind the counter to pour coffee and are invited to use the shop's phone, is closing its doors. The daughters of the owner are just plumb tired.

''It's sad but happy,'' said Mary Jo Netherton, the 64-year-old daughter of the owner.

''I'm just tired. I was telling somebody the other day that they let people out of the penitentiary for murder sooner than I'll be getting out of this place.''

Netherton's 62-year-old sister, Barbara Williams, echoed the feeling that 10- to 12-hour work days that begin at 5 a.m. won't be terribly missed.

''You know, when you get in your 60s, you don't need to be doing waitress work,'' Williams said.

Owner Ruby Witt hasn't been active at the business at 3920 Martin Luther King Jr. Avenue since she suffered a minor stoke six years ago. But each day the 84-year-old Witt gets an earful of current events about the lives of her customers from her daughters.

''She's interested in the people,'' Netherton said.

Witt's popularity among residents, public officials, police officers and the University of Tennessee sports department earned her an unofficial moniker as the mayor of Burlington. Police officers said whatever Ruby wanted, Ruby got from the city.

Emphasizing that point, a customer noted there are no parking meters outside.

Netherton has been gingerly lifting fried eggs from the grill for 37 years at the business while Williams has been a fixture for 23 years. While neither of the women will miss the work, they will never fill the chasm of daily chatter with customers.

''I'm going to miss it,'' Williams said. ''We've enjoyed the people. They've been like family to us.''

Customers feel the same way. ''We're spoiled,'' said Jimmie Bounds. ''We'll never get that kind of service. When we walk in the door, they yell to put a pan of biscuits on.''

Bounds and her husband, Dean Bounds, regularly trek from their Holston Hills residence with their home-grown tomatoes. They slice their tomatoes and pour their own molasses on what they claim are the best biscuits around.

Biscuits and cornbread are the domain of Ann Henderlight, Witt's younger sister, who for 37 years has been using the same metal evaporated milk can to cut her dough. ''I don't measure anything,'' Henderlight said. ''I just put in a little of this and a little of that. I just do it like my mother did.''

Lettie Glass of Lilac Avenue has been munching those biscuits for 15 years. ''Honey, they're just so fluffy they melt in your mouth. They really can cook,'' she said.

For Glass, the food is just part of the attraction.

''They treat people like people,'' Glass said.

Former Gov. Ray Blanton, U.S. Congressional members Bill Frist and John J. Duncan Jr., former UT football coach Johnny Majors, country music icon Archie Campbell and vice President Al Gore have taken a seat at one of the dozen booths or seven counter stools, Netherton said.

Netherton recalls mixing six raw eggs in a glass of orange juice and cooking 25 strips of bacon for former heavyweight boxing champion John Tate while he was in training.

But nowadays, Williams said, the business isn't as profitable as it used to be. The sisters just couldn't bring themselves to raise their prices as food costs climbed. The menu demands a total of $3.50 for two eggs, three bacon strips, a biscuit and coffee.

''We didn't think the everyday people coming in here could afford it if we raised the prices,'' Williams said.

Several customers noted the sisters often fed the penniless. ''If somebody came in here hungry, they got fed,'' Williams said.

INTRODUCTION OF THE RESTORATION OF FAIRNESS IN IMMIGRATION LAW ACT OF 2000

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 2000

Mr. CONYERS. Mr. Speaker, I am proud to introduce today the Restoration of Fairness in Immigration Law Act of 2000. Today is truly a seminal event when the Congressional Black, Hispanic and Asian Pacific Caucuses along with Members on both sides of the aisle unite behind a single piece of comprehensive immigration legislation.

For too many years, Congress has witnessed a wave of anti-immigrant legislation, playing on our worst fears and prejudices. Since 1994, we have considered proposals to ban birthright citizenship, ban bilingual ballots, and slash family and employment based immigration, as well as to limit the number of asylees and refugees. In 1996 we passed laws denying legal residents the right to public benefits and denying immigrants a range of due process and fairness protections, including prohibiting courts from reviewing many INS decisions, requiring lawful permanent residents be deported for minor offenses committed years ago, and imposing mandatory detention on non-criminal asylum seekers.

This year, I believe we have turned the corner, as business and organized labor have joined the advocacy community in recognizing the critical role immigrants play in our workplaces, our communities, our schools, and our culture. I particularly want to commend John Sweeney, President of the AFL–CIO, and the other 29 organizations who yesterday endorsed this historic piece of legislation. With the introduction of this comprehensive bill, I, along with the bipartisan list of co-sponsors, the Black, Hispanic and Asian Pacific American Caucuses, and the many supporting community organizations, send a clear message that Congress needs to fix what we did in '96.

Our work will not stop with the introduction of this legislation. We only have one month left in the legislative session, but I believe that many provisions of this bill can be passed into law, including providing Haitians and Central Americans with immigration parity, enacting late amnesty relief, and protecting battered immigrants.

Attached is a summary of the key provisions of this legislation.

SUMMARY OF THE ''RESTORATION OF FAIRNESS IN IMMIGRATION LAW ACT OF 2000''

TITLE I.—DUE PROCESS IN IMMIGRATION PROCEEDINGS

Subtitle A.—Judicial Review (Sections 101–107)

Repeals all of the provisions from the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (''IIRIRA'') which strip the courts of jurisdiction over immigration-related matters. It returns court jurisdiction to exactly what it was before IIRIRA.

Subtitle B.—Fairness in Removal Proceedings

SEC. 111. BURDEN OF PROOF.—IIRIRA created a higher threshold for persons seeking to enter the U.S. by requiring them to establish their admissibility ''clearly and beyond doubt.'' This section implements a ''clear and convincing evidence'' standard, which is the same standard INS applies in deportation cases.

SEC. 112. WITHDRAWAL OF APPLICATION FOR ADMISSION.—Creates a presumption in favor of granting a request for permission to withdraw an application for admission to depart from the United States immediately, unless an immigration judge has rendered a decision on the admission seeker's admissibility.

SEC. 113. ABSENCES OUTSIDE THE CONTROL OF THE ALIEN.—Under IIRIRA, a person with lawful permanent resident status is subject to a full inspection upon returning from a trip abroad if he has been absent from the United States for a continuous period of 180 days. This section changes the time period from 180 days to a year or longer in some situations, which comports with INS's current procedures.

SEC. 114. REINSTATEMENT OF REMOVAL ORDERS AGAINST PERSONS ILLEGALLY REENTERING.—Under IIRIRA, immigrants who reenter the United States after being previously removed must be removed from the country without any right to judicial review. This provision provides for a hearing before an immigration judge and an opportunity to seek relief from removal.

Subtitle C.—Fairness in Detention

SEC. 121. RESTORING DISCRETIONARY AUTHORITY.—Restores pre-IIRIRA law granting discretionary authority to release immigrants from detention who do not pose a risk to persons or property and are likely to appear for future proceedings.

SEC. 122. PERIODIC REVIEW OF DETENTION DETERMINATIONS.—Eliminates indefinite detention without review that resulted from IIRIRA's changes to detention provisions. It requires mandatory review every 90 days.

SEC. 123. LIMITATION ON INDEFINITE DETENTION.—Establishes a one year ceiling on the time an individual can be detained while waiting to be removed, so long as the individual is not a risk to the community and is not a flight risk.

SEC. 124. PILOT PROGRAM.—Requires a pilot program to determine the viability of supervision of foreign nationals subject to detention through means other than confinement in a penal setting, so long as the individual is not a risk to the community and is not a flight risk.

SEC. 125. MANDATORY DETENTION.—IIRIRA requires mandatory detention for all individuals involved in expedited proceedings. This section provides for release unless the detainees are risks to the community or flight risks.

SEC. 126. RIGHT TO COUNSEL.—Would allow attorneys, with the consent of their clients, to make limited appearances in bond, custody, detention, or removal immigration proceedings.

Subtitle D.—Consular Review of Visa Applications (Sections 131–132).

Incorporates the ''Consular Review Act of 1999'' (H.R. 1156) introduced by Rep. Frank (D–MA) to require the Secretary of State to set up a Board of Visa Appeals that would have authority to review any discretionary decision of a consular officer regarding the denial, cancellation, or revocation of an immigrant or nonimmigrant visa or petition, or the denial of an application for a waiver of any ground of inadmissibility under the INA.

TITLE II.—FAIRNESS IN CASES INVOLVING PREVIOUS AND MINOR MISCONDUCT

Subtitle A.—Increased Fairness and Equity Concerning Removal Proceedings

SEC. 201. EXCLUSION FOR CRIME INVOLVING ''MORAL TURPITUDE.''—Eliminates exclusion from the United States under IIRIRA for acts of moral turpitude which may have constituted the elements of a crime but have not led to a conviction.

SEC. 202. AGGRAVATED FELONY PROVISIONS. (a). ''Illicit Trafficking''—Excepts a single offense of simple possession of a controlled substance from the ''aggravated felony'' category created by IIRIRA if it is the person's first controlled substance offense. (b). ''Crimes of Violence and Theft Offenses''—Changes the definition of violence and theft offenses that are considered to be ''aggravated felonies'' under IIRIRA from offenses for which the sentence was imprisonment for at least one year to offenses for which the sentence was imprisonment for at least five years. (c). ''Alien Smuggling''—Limits the ''alien smuggling'' category to offenses committed for the purpose of commercial gain. (d). Waiver.—Provides discretionary authority to disregard convictions for aggravated felonies that did not result in incarceration for more than one year. (e). Conforming Change Concerning Removal of Nonpermanent Residents.—Repeals a IIRIRA provision that bars nonpermanent resident aliens who have been convicted of an aggravated felony from being eligible for discretionary relief from removal.

SEC. 203. DEFINITION OF ''CONVICTION'' AND ''TERM OF IMPRISONMENT.''—Modifies IIRIRA's definition of ''conviction'' to provide that an adjudication or judgment of guilt that has been expunged, deferred, annulled, invalidated, withheld, or vacated; an order of probation without entry of judgment; or any similar disposition will not be considered a conviction for purposes of the INA. Also strikes the provision in that definition which states that any reference to a ''term of imprisonment'' or ''sentence'' is deemed to include the period of incarceration or confinement ordered by the court regardless of any suspension of the imposition or execution of the imprisonment or sentence.

SEC. 204. DEFINITION OF ''CRIMES OF MORAL TURPITUDE.''—IIRIRA provided for deportation when an alien is convicted of a crime involving moral turpitude for which a sentence of one year or longer may be imposed. This section limits deportation on this basis to cases where the offense was serious enough to result in incarceration for a year or more.

SEC. 205. CANCELLATION OF REMOVAL FOR LPRS (FORMERLY KNOWN AS SECTION 212(c) RELIEF).—Restores discretion to grant relief to long-time legal permanent residents who have committed minor criminal offenses. Repeals IIRIRA's stop-time rule so that lawful permanent residents can continue to accumulate their permanent resident status in the U.S.

SEC. 206. CANCELLATION OF REMOVAL FOR NON-CITIZEN (FORMERLY KNOWN AS SUSPENSION OF DEPORTATION).—IIRIRA replaced suspension of deportation relief with ''cancellation of removal'' relief which significantly narrowed eligibility for equitable relief. This section reverses IIRIRA by replacing the cancellation of removal provisions with the previous suspension of deportation provisions.

SEC. 207. RETROACTIVE CHANGES IN REMOVAL GROUNDS.—Reverses retroactive changes made by IIRIRA by providing that an immigrant will not be found to be removable for committing any offense that was not a ground for removal or deportation when the offense occurred (e.g., the ''aggravated felony'' classification will apply only to an offense that was defined as an ''aggravated felony'' when the offense occurred).

SEC. 208. LAWFUL PERMANENT RESIDENTS REMOVED UNDER RETROACTIVE.—Permits former lawful permanent residents who have been removed from the U.S. to return and apply for 212(c) relief as it previously existed or for cancellation of removal under the provisions of this bill. Applies to LPRs who were (1) removed for a criminal offense that was not a basis for removal when it was committed; (2) removed for criminal offense that is not a basis for removal when this bill is enacted; or (3) removed for a criminal offense for which relief would have been available but for the enactment of AEDPA or IIRIRA.

Subtitle B.—Exclusion Grounds

SEC. 211. FAILURE TO ATTEND REMOVAL PROCEEDINGS.—Limits the applicability of the five-year bar to admissibility that IIRIRA imposed on persons who fail to attend or remain in attendance at removal proceedings to situations where the individual acted willfully.

SEC. 212. VIOLATION OF STUDENT VISA CONDITIONS.—Limits the applicability of the five-year bar to admissibility that IIRIRA imposed on persons who violate a term or condition of their nonimmigrant student visas to situations where the student acted willfully.

SEC. 213. FALSE CLAIMS TO CITIZENSHIP.—Limits the applicability of an IIRIPA provision which made making a false claim to citizenship for an immigration benefit a basis for exclusion or deportation. INS will be required to prove that a claim of citizenship was not only false, but was also in fact willfully made by the individual.

SEC. 214. MINOR CRIMINAL OFFENSES.—Provides a waiver of inadmissibility based on a controlled substance violation for which the alien was not incarcerated for a period exceeding one year.

SEC. 215. BARS TO ADMISSIBILITY.—Under IIRIRA, a person unlawfully present in the United States for more than 180 days but less than 1 year who then voluntarily departs from the United States is barred from reentering the United States for 3 years. A person who is unlawfully present in the United States for 1 year or more and then voluntarily departs is barred from reentering the United States for 10 years. This section reduces the 3 and 10 year bars to admissibility to 1 and 3 years, respectively.

TITLE III.—ENCOURAGING FAMILY REUNIFICATION

Subtitle A.—Reuniting Family Members

SEC. 301. VISA FOR SPOUSES AND CHILDREN OF PERMANENT RESIDENTS.—Provides for a visitor's visa permitting family members to join their lawful permanent resident spouse or parent in the United States while waiting for an immigrant visa number. Also makes a visitor's visa available to persons waiting for an immigrant visa number on the basis of their status as battered immigrants.

SEC. 302. UNMARRIED SONS AND DAUGHTERS OF REFUGEES.—Under current law, when children reach the age of 21, they are classified as ''sons and daughters'' and lose their entitlement to refugee status when accompanying or following to join a parent who is a refugee. This section provides refugee status for older children when it is warranted by unusual circumstances or to preserve family unity.

SEC. 303. *Unmarried Sons and Daughters and Asylees.*—Provides asylee status to unmarried sons and daughters who are accompanying or following to join a parent who is a refugee when such a benefit is warranted by unusual circumstances.

SEC. 304. PROCESSING DELAYS.—Provides protection against INS and State Department delays in processing by requiring the determination of an applicant's eligibility to be based on the beneficiary's age 90 days after the date on which the application was filed. Also incorporates H.R. 2448 introduced by Rep. Mink (D–HI) to assure that immigrants do not have to wait longer for an immigrant visa as a result of a reclassification because of the naturalization of a parent or spouse.

Subtitle B.—Limited Waiver of Grounds of Admissibility

SEC. 311. 212(i) WAIVERS.—IIRIRA added a hardship provision requiring the applicant to establish that the waiver is needed to avoid causing ''extreme hardship'' to his or her spouse or parent. This section retains a general hardship requirement, but it does not require a showing of ''extreme'' hardship. IIRIRA also made persons present in the United States without being admitted or paroled inadmissible, and this section provides a discretionary waiver of that new ground of inadmissibility.

SEC. 312. DOCUMENT FRAUD.—Under IIRIRA, this waiver is limited to spouses and children. The reasons for permitting relief in

cases where the alien was acting solely to help a spouse or a child apply with equal force to the case in which the alien was trying to help a parent or non-minor son or daughter. Relief obviously should be available in both situations.

SEC. 313. NEW GENERAL WAIVER.—Waives inadmissibility in unusual circumstances (including victims of a battering or extreme cruelty by a spouse or other relative) for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest. Applies to cases in which the applicant is inadmissible because of a failure to attend removal proceedings, for unintentionally violating the conditions of a student visa, for having been removed previously, and for being unlawfully present in the United States.

Subtitle C.—Eliminating Unfairness and Waste in Section 245(i) Waivers (Section 321–322)

Makes section 245(i) of the INA a permanent provision. Provides a waiver of inadmissibility on the basis of an unlawful presence in the United States in cases where the unlawful presence occurred during a time when the person involved would have been able to become a lawful permanent resident but for a gap in the life of section 245(i).

Subtitle D.—Equitable Procedures Concerning Voluntary Departure

SEC. 331. TIME ALLOWED FOR VOLUNTARY DEPARTURE.—IIRIRA limits grants of voluntary departure to a 120-day period. This section repeals that limit and permits the length of time for voluntary departure to be based on the circumstances in a particular case.

SEC. 332. VOLUNTARY DEPARTURE BONDS.—Eliminates the mandatory requirement that an lien must post a bond as a condition for receiving voluntary departure at the conclusion of removal proceedings and instead leaves this matter up to the discretion of the official who sets the bond terms.

SEC. 333. AUTOMATIC PENALTIES.—Eliminates automatic penalties for failing to depart pursuant to a grant of voluntary departure.

Subtitle E.—Public Charge (Sec. 341)

Eliminates the requirement of an affidavit of support as a condition for admissibility, but it permits using such an affidavit as evidence that the applicant for admission should not be excluded as a person who is likely to become a public charge. Also reduces the minimum income requirement for persons who sponsor the immigrants from 125% of the Federal poverty line to 100%.

TITLE IV.—FAIRNESS IN ASYLUM AND REFUGEE PROCEEDINGS

Subtitle A.—Increased Fairness in Asylum Proceedings

SEC. 401. TIME LIMITS ON ASYLUM APPLICATIONS.—Eliminates the requirement that an asylum applicant must establish that his application was filed within one year of his arrival at the United States or justify the delay on the basis of extraordinary circumstances.

SEC. 402. GENDER-BASED PERSECUTION.—Adds a provision to the definition of a ''refugee'' which specifies that persecution on account of gender will be deemed to fall within the ''particular social group'' category for asylum purposes.

SEC. 403. CAP ON ADJUST FROM ASYLEE TO LEGAL PERMANENT RESIDENT.—Eliminates cap of 10,000 on the number of individuals who can change their status from ''asylee'' to ''lawful permanent resident'' in any fiscal year. Provides that the President will set the numerical limitation before the beginning of each fiscal year.

SEC. 404. WITHHOLDING OF REMOVAL.—Individuals who have been convicted of certain offenses are currently ineligible for withholding of deportation even if there is a high probability that they will be persecuted. This section would limit that exclusion to individuals who were sentenced to an aggregate term of imprisonment of more than five years and are considered to be a danger to the United States.

Subtitle B.—Increased Fairness and Rationality in Refugee Consultations (Sec. 411)

Refugee Admissions Consultation. Changes the time for the President's report on refugee admissions from the beginning of each fiscal year to the date when he or she submits his or her budget proposal to Congress.

TITLE V.—INCREASED FAIRNESS AND EQUITY IN NATURALIZATION AND LEGALIZATION PROCEEDINGS

Subtitle A.—Naturalization Proceedings

SEC. 501. FUNDS FOR NATURALIZATION PROCEEDINGS.—Establishes a fund that will be used to reduce the backlog of naturalization applications to no more than six months. It would also provide funding for more expeditious processing of visa petitions, adjustment of status applications, and work authorization requests.

SEC. 502–506. CAMBODIAN AND VIETNAMESE MILITARY VETERANS.—Exempts Cambodian and Vietnamese naturalization applicants from the English language requirement if they served with special guerilla units or irregular forces operating in support of the United States during the Vietnam War (or were spouses or widows of such persons on the day on which such persons applied for admission as refugees). Also provides special consideration with civics requirement.

Subtitle B.—Parity in Treatment for Refugees From Central America and Haiti (Sections 511—516)

Incorporates the ''Central American and Haitian Parity Act of 1999'' (H.R. 2722) introduced by Reps. Smith (R–NJ) and Gutierrez (D–IL) to extend the same opportunity to become LPRs to eligible nationals of Guatemala, El Salvador, Honduras, and Haiti, as currently provided to Cubans and Nicaraguans under NACARA.

Subtitle C.—Equality of Treatment for Women's Citizenship (Sections 521—522)

Incorporates the ''Restoration of Women's Citizenship Act'' (H.R. 2493) introduced by Rep. Eshoo (D–CA) and Walsh (R–NY), which grants posthumous citizenship to American women who married alien men before September 1922 and died before they could take advantage of the procedures set up by Congress to regain their citizenship in 1951.

Subtitle D.—Refugees from Liberia (Sec. 531)

Authorizes lawful permanent resident status for Liberian refugees who are in the United States under a Deferred Enforced Departure Order executed by President Clinton on September 27, 1999.

Subtitle E.—Previously Granted Amnesty Rights (Sec. 541)

Incorporates the text of the ''Legal Amnesty Restoration Act of 1999'' (H.R. 2125) introduced by Rep. Jackson-Lee (D–TX) to repeal jurisdictional restrictions imposed by Congress on the courts in IIRIRA with respect to certain outstanding claims for legalization and work permits under the Immigration Reform and Control Act of 1986.

Subtitle F.—Legal Amnesty Restoration (Sec. 551)

Incorporates the text of the ''Date of Registry Act'' (H.R. 4138) introduced by Rep. Jackson-Lee (D–TX) and Rep. Luis Gutierrez (D–IL) to amend the INA to permit the Attorney General to create a record of lawful admission for permanent residence for certain aliens who entered the United States prior to 1986. This permits them to become lawful permanent residents of the United States.

Subtitle G.—Asian American Visa Petitions (Sec. 561)

Incorporates the text of the ''American Asian Justice Act of 1999'' (H.R. 1128) by Rep. Millender-McDonald (D–CA), which grants certain individuals born in the Philippines or Japan who were fathered by United States citizens the right to file visa petitions in lieu of their parents and other relatives.

TITLE VI.—FAIRNESS AND COMPASSION IN THE TREATMENT OF BATTERED IMMIGRANTS (SECTIONS 601–615)

The provisions in this title were taken from the ''Battered Immigrant Women Protection Act of 1999'' (H.R. 3083) introduced by Rep. Schakowsky (D–IL), Rep. Morella (R–MD), and Rep. Jackson Lee (D–TX), which continues the work that began with the passage of the first Violence Against Women Act in 1994 (''VAWA 1994''). IIRIRA drastically reduced access to VAWA immigration relief for battered immigrant women and children. Title VII restores and expands the provisions of VAWA which provide access to a variety of legal protections for battered immigrants.

TITLE VII.—UNUSED EMPLOYMENT BASED IMMIGRANT VISAS

SEC. 701.—Incorporates section 101(b) of the ''Helping to Improve Technology Education and Achievement Act of 2000'' (H.R. 3983) introduced by Rep. Zoe Lofgren (D–CA) and Rep. D. Dreier (R–CA) to allow unused visas from FY 1999 and FY 2000 to be recaptured for future use.

TITLE VIII.—MISCELLANEOUS PROVISIONS

SEC. 801. BOARD OF IMMIGRATION APPEALS.—Adds definition of ''appellate immigration judge'' to the existing definition of ''immigration judge'' and specifies that the Attorney General may delegate authority to the appellate immigration judges.

SEC. 802. FORFEITURES.—Limits the seizure and forfeiture of a vehicle used to harbor or smuggle an alien to cases in which the purpose of harboring or smuggling the alien was for commercial advantage or private financial gain.

SEC. 803. COMMUNICATIONS WITH THE INS.—Repeals a provision in IIRIRA which prohibits any federal, state or local government official from preventing or restricting any government entity from sending to or receiving information from INS regarding the citizenship status or immigration status of any individual, or maintaining such information.

SEC. 804. AUTHORITY TO PERMIT STATE PERSONNEL TO CARRY OUT IMMIGRATION OFFICER FUNCTIONS.—Repeals provision which allows the Attorney General to enter into agreements with State and local governments to have enumerated immigration functions handled by local law enforcement agencies.

SEC. 805. PAROLE AUTHORITY.—Changes the standard for determining when to parole a person into the United States temporarily from ''for urgent humanitarian reasons or significant public benefit,'' to ''for emergent reasons or for reasons deemed strictly in the public interest.''

SEC. 806. BORDER PATROL.—Incorporates the text of the ''Border Patrol Recruitment and Retention Act of 1999'' (H.R. 1881) introduced by Rep. Jackson Lee (D–TX) to provide for an increase to the GS–11 grade level for Border Patrol agents who have completed one year of services at a GS–09 grade level and who have fully successful performance rating. It provides for an Office of Border Patrol Recruitment and Retention.

SEC. 807. ERRONEOUS ASYLUM APPLICATION.—Eliminates two IIRIRA provisions limiting the rights of persons seeking asylum. Section 208(d)(6) of the INA prohibits foreign nationals who have knowingly made a ''frivolous'' asylum application from ever receiving any benefit under the INA Sec. 208(d)(7) states that nothing in the asylum provisions of the INA can be construed to create a legally enforceable substantive or procedural right or benefit.

SEC. 808. AUTHORIZATION OF APPROPRIATIONS FOR IMPLEMENTATION OF ACT.—Authorizes appropriations for the various provisions included in the Act.

TITLE IX.—EFFECTIVE DATES

Sets forth various effective dates with regard to the Act's provisions.