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House of Representatives

The House met at 10 a.m.

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

Almighty God and Lord of our life, we seek Your guidance that we may live Your life to fullest measure.

Since the time of Sarah and Abraham, Your covenant with Your people has been the model of married life and civic order.

Enable husbands and wives to live in deeper understanding, honoring each other for their words and their goodness.

May all people, especially children, live without fear or intimidation.

Strengthen the bonds of intimacy in American family life that hearts will be converted to lasting values and find joy as they continually uncover love and faithfulness in themselves and in each other.

As the Government of this Nation, let us create an atmosphere of peace which helps family life flourish for generations to come.

You are our source and guide 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. FILNER. 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. FILNER. 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. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

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

Mr. FILNER 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.

LORAL CORPORATION

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

Mr. PITTS. Mr. Speaker, we all remember the fund-raising scandal that the President and the Democrats got themselves into in 1996, foreign money and money laundering. But perhaps the worst part was the apparent influence of the People's Republic of China.

We all remember that the Loral Corporation which leaked sensitive missile data to China was a major Democratic contributor that year.

In fact, Bernard Schwartz, the president and CEO of that company, the largest single contributor to the DNC, was recommended in 1998 as the focus of an independent counsel investigation to find out if there was a connection between donations and technology transfers.

Well, one would think they would learn their lesson. But we found out last week that Mr. Schwartz is again giving huge amounts of money to the Democrats.

FEC reports show that he has given an average of $40,000 a month to Democrats since January of 1999, most of it in unrestricted soft-money donations.

I call on the Democrats to return these donations until we determine once and for all what his role was in leaking sensitive missile data to the Chinese.

This is not just a matter of ethical conduct. It is a matter of national security.

NO SURPRISE BOB KNIGHT WAS FIRED

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

Mr. TRAFICANT. Mr. Speaker, it is no surprise that Bob Knight was fired.

But think about it. Bob Knight's athletes did not rape women, did not commit murder, did not molest children, did not carry guns, and did not sell drugs.

In fact, Bob Knight's student athletes were most noted for graduating, winning championships, being gentlemen, and exhibiting discipline and respect.

Beam me up.

Bob Knight was a coach, not a guidance counselor or a spiritual leader.

I yield back all those zero-tolerant, overpaid, IUD administrators that Bob Knight should have kicked right in the crotch.

CHILDHOOD CANCER AWARENESS MONTH

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

Ms. PRYCE of Ohio. Mr. Speaker, I am wearing this gold ribbon today in support of Childhood Cancer Awareness Month and to honor young children like my own daughter, Caroline, who have lost their lives to this devastating disease and to show my support for those kids who have survived through their courageous, sometimes years long, submission to painful and isolating treatments.

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Leukemia, chemotherapy, lymphoma, neuroblastoma, these are terms no small child should have to pronounce. And instead of the normal third-grade spelling words, my Caroline was proud that she could spell Diflucan and Ativan, just two of the many drugs she had to take every single day.

As millions of kids return to school this September, we put the spotlight on this deadly disease. Two classrooms full of our children every weekday are diagnosed with cancer.

Cancer strikes more children than asthma, diabetes, cystic fibrosis, and AIDS combined. And while the incidence is steadily rising, childhood cancer still remains an underrecognized and underserved disease.

This can change. This must change. This will change.

ELECTRICITY CRISIS IN SAN DIEGO

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

Mr. FILNER. Mr. Speaker, I just returned from San Diego where earlier this week hearings were held by the Committee on Commerce Subcommittee on Power and Energy yesterday by the Federal Energy Regulatory Commission on the electricity crisis that is facing San Diego where, in the last 2 or 3 months, prices have doubled and tripled for the average consumer, people have gone out of business not able to pay their bills, a tremendous drain on our economy threatening recession for our whole area.

It became clear in those hearings that this crisis was not brought about by any problem with the supply and demand, as some people charged, but was pure manipulation of the market by a few profit hungry power merchants who provide and generate the electricity for the western market.

Three hundred fifty million dollars was sucked out of the San Diego economy in the last 3 months, $2 billion out of the California economy.

I have legislation, Mr. Speaker, to make sure that the victims of this incredible price gouging disaster are not the consumers and small business people of California but those who have made the ill-gotten gains.

Please pass H.R. 5131 to help San Diego.

DR. OSCAR ELIAS BISCET, CUBAN DISSIDENT

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

Ms. ROS-LEHTINEN. Mr. Speaker, Dr. Oscar Elias Biscet, a Cuban dissident who, after more than 6 months of imprisonment in Castro's jail, clings to life in the hope that his situation will help galvanize the global community in support of Cuba's political prisoner and dissident movement.

Dr. Biscet, an Amnesty International prisoner of conscience, has suffered 46 days of torture for refusing to succumb to his oppressors. He has been denied medical attention and has even been denied a Bible and religious visits.

The doctor interpreted his duty under the Hippocratic Oath as an obligation to defend the lives of the Cuban people.

Dr. Biscet could not ignore the cries of anguish of all who have died at the hands of the Castro regime. His commitment is clearly stated in a letter that he gave to his wife during their last visit:

''The evil one, Castro, must acknowledge in me an eternal rival who will not lower his sword of justice, even if confronted by misery, pain, and death simultaneously.''

The U.S. and the Congress have always stood for freedom and for the defense of the oppressed the world over.

I ask my colleagues to join me in calling for Dr. Biscet's immediate release so that he can continue his mission to try to free the Cuban people.

AN IMPERFECT MILITARY

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

Mr. HEFLEY. Mr. Speaker, the Cold War may be over but the weight of responsibility inherited by the United States is heavier than ever. Threats are no longer contained by bipolar ideologies. Threats come from every corner of the world. It is under these conditions where our military forces find themselves doing more with less.

Stretched to a point where spare parts become an oxymoron and retention and morale is critical, it is in this environment where I fail to understand the President's rationale in sending Congress defense budgets asking for fewer and fewer dollars.

In every budget year since Clinton and GORE took office, the administration has proposed a decrease in defense spending. As a matter of fact, the defense budget has been reduced by more than $10 billion in constant dollars since fiscal year 1993.

Fortunately, the Armed Forces have received better support from a Republican controlled Congress. Despite cuts proposed by the administration, Congress has funded above the President's request and has long recognized the importance of a prepared and well-funded military force.

Mr. Speaker, we should be proud of our men and women in uniform and should provide them what they need to do the job.

CONGRESSIONAL BASKETBALL TEAM DEFEATS AMERICAN LEAGUE OF LOBBYISTS

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

Mr. QUINN. Mr. Speaker, I am here to announce that for the second year in a row now, the Congressional basketball team has defeated the team of lobbyists from the American League of Lobbyists here in Washington, D.C. Last night's game was a hard-earned victory of 70–67.

The Congressional team got together in a bipartisan way. I would like to mention that the gentleman from Wisconsin (Mr. BARRETT); the gentleman from New Jersey (Mr. LOBIONDO); the gentleman from Missouri (Mr. HULSHOF); the gentleman from Ohio (Mr. OXLEY), our general manager and commissioner; the gentleman from Indiana (Mr. BUYER); the gentleman from South Dakota (Mr. THUNE), our MVP last night; the gentleman from Wisconsin (Mr. KIND); the gentleman from Washington (Mr. INSLEE); the gentleman from New York (Mr. FOSSELLA); the gentleman from Illinois (Mr. SHIMKUS); and the gentleman from California (Mr. BACA) all got together in an effort to prove that we can get along here in Washington and that we can do better when the cause is right.

Last night the American League of Lobbyists organized a benefit for over $17,000 that will go to charity for the Hill staffers, for the hungry and homeless, for Horton's kids, and for Everybody Wins, a youth mentoring program here in the Washington, D.C. area.

We set a challenge for the lobbyists we can get along better, and we are going to make sure that some young people here in Washington, D.C., benefit from it.

CHILDHOOD CANCER AWARENESS

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

Mr. BALLENGER. Mr. Speaker, we are all aware of the impact that cancer has on the American public. Sadly, we often do not realize the severity of childhood cancer. Today alone, 46 children will be diagnosed with cancer. But even more disturbing is that only two-thirds of those with cancer will survive.

Childhood cancer was recently brought to my attention when Kimberly Davies, the daughter of a member of my Washington staff, was diagnosed with CML leukemia at the age of 7.

Kimberly is doing well and continues to fight this dreaded disease. Kimberly is lucky, she has a bone marrow match through her sisters. However, most children are forced to wait and look nationally for bone marrow donors. This process can be extremely long and terribly uncertain.

The prognosis for Kimberly is positive. However, without the constant research and new methods of treatment, Kimberly's outlook may not have been so good.

Cancer is not a disease which only affects adults. Cancer affects children, too. It is important that Americans are aware of this and work to prevent and cure all forms of cancer. In Congress, it is important that we continue to fund

children's cancer research. Every day, science inches closer to finding a cure. Let us not hold back now.

I urge my colleagues to support the funding of child cancer research this year and in the years to come.

□ 1015

CHILDHOOD CANCER AWARENESS

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

Mr. GIBBONS. Mr. Speaker, last week, many parents throughout our districts sent their wide-eyed, youthful, energetic and anxious children off to their first day of school. What is disturbing to every one of us who may be a parent is that on any given school day, 46 children are diagnosed with cancer and two out of three will not survive.

September is Childhood Cancer Month, placing the spotlight on pediatric cancer, the number one disease killer of our children.

While these statistics may be depressing, the research and innovation into providing early diagnoses and finding a cure proved to be very hopeful for many of us parents.

Mr. Speaker, Congress must remain committed to funding cancer research programs, especially for pediatric cancer. As we participate in the Childhood Cancer Gold Ribbon Day, let us remember the youthful victims of cancer.

Congress must fully fund pediatric cancer research to ensure that they become youthful survivors instead of youthful victims.

IN MEMORY OF CARLOS CACERES COLLAZO, U.S. CITIZEN KILLED IN EAST TIMOR VIOLENCE

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

Mr. ROMERO-BARCELO. Mr. Speaker, the news last week of the brutal murder of the three United Nations workers in West Timor, Indonesia at the hands of an angry mob has faded to the back pages of the country's daily newspapers.

But for the family the only U.S. citizen killed in that attack, Carlos Caceres Collazo, a native of San Juan, Puerto Rico, the agony of the tragedy is still sinking in.

Carlos Caceres Collazo joined the United Nations High Commission on Refugees in 1995 and chose to work in the dangerous field of providing humanitarian aid to refugees in troubled spots such as East Timor.

The tragic death of this bright man, a graduate of Cornell University Law School and the University of Florida, underscores the frailty of human life, but it also highlights the strength and valor of answering the call to those who serve those in need.

Mr. Speaker, I never met Carlos Caceres, but it comes as no surprise to me to learn that he, like so many Puerto Ricans before him, gave his life to defend the rights of others continuing a tradition of public service.

TOP ISSUE FOR REPUBLICANS IS EDUCATION

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

Mr. EHLERS. Mr. Speaker, last evening we had a chance, once again, to demonstrate that one of the top issues, if not the top issue, of the Republicans is education. We were in this Chamber debating an excellent bill proposed by the gentleman from Pennsylvania (Chairman GOODLING) of the Committee on Education and the Workforce.

He served for many years as a teacher, then principal, then superintendent; and he has put his knowledge to good use in his work here as chairman of the Committee on Education and the Workforce.

This bill will improve reading training of children, but above all, through a stroke of genius, he has also included provisions that parents will receive training in reading if they are illiterate.

Mr. Speaker, in my years of education, I discovered that the single greatest factor in the success of the student is an interested and involved parent. But if the parent cannot read, how do we expect the child to learn how to read?

The bill of the gentleman from Pennsylvania (Mr. GOODLING) will ensure that both will happen, and it also builds into it accountability to make certain that the government's money is not wasted. This bill does much more than just that, but I wanted to highlight this issue. I encourage all of my colleagues to vote yes on this excellent piece of education legislation.

IMPROVEMENTS IN MILITARY RETIREE HEALTHCARE

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

Ms. GRANGER. Mr. Speaker, I rise today in support of improvements in military retiree healthcare. While we can never adequately thank the millions of men and women who have proudly worn the uniform in defense of America, we must honor our commitments to them.

Several provisions of the fiscal year 2001 Defense authorization bill, which is currently in conference committee, are important steps in honoring that commitment.

Mr. Speaker, I am pleased to see that both Chambers passed proposals to provide a prescription drug benefit to Medicare eligible military retirees. Currently, military provided health benefits for beneficiaries over 65, fall far short of what larger employers, including the Federal Government, provide to their retired civilians.

Including a drug benefit for military retirees is a necessary step in keeping our promises to the men and women who risk their lives for our freedom. As I like to say, every day when I get up, I thank God for my life and I thank our Armed Forces for my way of life.

Mr. Speaker, I urge the conference committee to include these common sense proposals in the Defense authorization bill, and in doing so, we will honor the heroes who protected freedom in America and ensured democracy for the world.

MARRIAGE TAX PENALTY

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

Mr. WELLER. Mr. Speaker, there is a fundamental question this House of Representatives has worked so hard to address, and that is, is it right, is it fair that under our Tax Code 25 million married working couples on average pay $1,400 more in higher taxes.

Let me give an example of a couple back in Joliette, Illinois, Shad and Michelle Hallihan. They have a combined income of about $65,000. They are public school teachers. They own a home. They have a little baby, Ben, a child.

They suffer the marriage tax penalty. In fact, their marriage tax penalty making $65,000 a year is about $1,400. Every House Republican, 51 Democrats joined with us, we voted to eliminate the marriage tax penalty. Unfortunately, Bill Clinton and AL GORE vetoed our effort to wipe out the marriage tax penalty for people like Shad and Michelle Hallihan. AL GORE says that people like Shad and Michelle who make $65,000 a year, own a home, have a child, suffer a marriage tax penalty of $1,400 a year are rich and should not be helped. That is wrong.

My hope is today, as we vote to attempt to override Bill Clinton's and AL GORE's veto, that our effort to eliminate the marriage tax penalty and that more Democrats will join with us on this fundamental issue of fairness.

We will work to help people like Shad and Michelle Hallihan, two public school teachers who pay higher taxes just because they are married.

URGING COLLEAGUES TO OVERRIDE VETO OF MARRIAGE PENALTY RELIEF

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

Mr. KNOLLENBERG. Mr. Speaker, I join my colleague from Illinois (Mr. WELLER) in rising to urge my colleagues to override the President's recent veto of marriage penalty relief.

The Marriage Penalty Relief Act passed by significant margins in both the House and the Senate. It is overdue for tax relief to our middle-income families, who are dependent on two-wage earners, who are hardest hit by this penalty. It is especially hard on that second wage, often the wife's salary, because their income is taxed at higher marginal rates, often from 15 percent to 28 percent. You can see how tough it is.

As the President makes up his long list of end-of-the-year spending priorities, let him remember and let us remember the 25 million married couples who are struggling to make ends meet. Instead of dedicating the surplus to more spending ideas and bigger government plans, we should return some of it to the American people who earned it, while continuing to pay down the debt.

Let the American people decide for themselves what is best and what is best for their families, not a politician in Washington.

VOTE TO OVERRIDE VETO ON MARRIAGE PENALTY RELIEF

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

Mr. KINGSTON. Mr. Speaker, I guess it should come as no surprise to the American people that the administration that attacks the Boy Scouts is now attacking the institution of marriage, and they are doing it from an insidious higher taxes on the couples who dare do the right thing and walk down the aisle.

Take the situation, a true story in Savannah, Georgia, woman's name is Ann and the husband's name is Steve. They were making $25,000 each; they got married last December. Now their combined family income is $50,000. Guess what? They went from 15 percent tax brackets to now 20 percent tax brackets. They are paying more simply because they got married. Nothing else changed.

This administration is going to look them in the eye and say no, you are wealthy, you do not deserve the tax, because guess what, some even wealthier person and, of course, that is evil in the minds of AL GORE, somebody might benefit from this, so we are not going to let you have your own money.

Mr. Speaker, I hope that a few brave Democrats will for once put their constituents first and vote to override this horrible veto and pass marriage tax penalty relief.

PASS HATE CRIMES PREVENTION ACT OF 1999

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is simply a matter of justice. Today the House of Representatives has an opportunity to fully legislate, and that is to support the motion to instruct to pass real hate crimes prevention legislation.

In the midst of all of this, Mr. Speaker, we will be having a number of frivolous motions, because our good friends on the other side are not serious about making a national statement against hate. They have fought us at every turn in not passing the Hate Crimes Prevention Act of 1999, James Byrd was not enough. Matthew Shepherd was not enough. I do not know who will be next. I call upon the goodwill of this Congress to pass this motion to instruct.

Finally, Mr. Speaker, it is a matter of justice. I asked the FBI to tell me whether or not the indictment or the trials and tribulations of Mr. Lee regarding the Los Alamos spy incident was a matter of racial profiling? Yes, it is a matter of justice. And I expect the FBI to respond to my inquiry as to whether or not because you are of a certain origin in this country, you are a spy or you are trying to undermine the United States of America.

THE JOURNAL

The SPEAKER pro tempore (Mr. OSE). Pursuant to clause 8, rule XX, the pending business is the question of the Chair's approval of the Journal of the last day's proceedings.

The question is on the Speaker's approval of the Journal.

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

Mr. FILNER. 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 337, nays 51, answered ''present'' 2, not voting 43, as follows:

[Roll No. 465]

YEAS—337

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boyd
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Collins
Combest
Condit
Cook
Cooksey
Cox
Coyne
Cramer
Cubin
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeMint
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Etheridge
Evans
Everett
Ewing
Farr
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Herger
Hill (IN)
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCrery
McHugh
McInnis
McIntyre
McKeon
McKinney
Meehan
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Ose
Oxley
Packard
Pastor
Paul
Payne
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schakowsky
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Talent
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Thurman
Tiahrt
Toomey
Traficant
Turner
Udall (CO)
Upton
Velazquez
Vitter
Walsh
Wamp
Watkins
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Wexler
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (FL)

NAYS—51

Aderholt
Baldacci
Bilbray
Borski
Brady (PA)
Capuano
Clay
Coburn
Costello
Crowley
Cummings
English
Filner
Ford
Green (TX)
Gutierrez
Gutknecht
Hastings (FL)
Hefley
Hill (MT)
Hilleary
Hilliard
Hulshof
Jackson-Lee (TX)
Kucinich
LaFalce

LoBiondo	Peterson (MN)	Thompson (CA)
Markey	Phelps	Thompson (MS)
McDermott	Pickett	Tierney
McGovern	Ramstad	Udall (NM)
McNulty	Rothman	Visclosky
Moran (KS)	Sabo	Waters
Oberstar	Slaughter	Weller
Pallone	Stupak	
Pascrell	Taylor (MS)	

ANSWERED ''PRESENT''—2

Carson Tancredo

NOT VOTING—43

Bliley	Goodlatte	Sanders
Boucher	Hayes	Schaffer
Chambliss	Hinchey	Serrano
Conyers	Kasich	Sherwood
Crane	Klink	Sununu
DeFazio	Lazio	Sweeney
DeLay	Martinez	Towns
Dickey	McCollum	Vento
Doolittle	McIntosh	Walden
Doyle	Meeks (NY)	Watts (OK)
Engel	Miller, George	Weiner
Eshoo	Murtha	Weygand
Fattah	Owens	Young (AK)
Franks (NJ)	Price (NC)	
Gilchrest	Ryun (KS)	

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So the Journal was approved.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. LOFGREN. Mr. Speaker, I would note for the RECORD that yesterday I was unavoidably detained because I am a United Airlines customer. There were flights that were considerably delayed. Had I been present, I would have voted ''yea'' on all of the rollcall votes yesterday evening.

MARRIAGE TAX RELIEF RECONCILIATION ACT OF 2000—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

Mr. ARCHER. Mr. Speaker, I move that the Committee on Ways and Means be discharged from further consideration of the veto message on the bill (H.R. 4810), to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

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

The Clerk read as follows:

Mr. ARCHER moves that the Committee on Ways and Means be discharged from further consideration of the veto message on the bill H.R. 4810, an act to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

(For veto message, see proceedings of the House of September 6, 2000 at page H7239.)

The SPEAKER pro tempore. The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour on the motion.

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

This is simply a procedural motion to move to consider the veto message which will be subject to debate.

Mr. Speaker, I yield back my time, and I move the previous question on the motion.

The previous question was ordered.

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. The unfinished business is the further consideration of the veto message of the President on the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is, will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Texas (Mr. ARCHER) is recognized for 1 hour.

Mr. ARCHER. Mr. Speaker, I yield the customary 30 minutes to the gentleman from New York (Mr. RANGEL), pending which I yield myself such time as I may consume.

Mr. Speaker, today we make one last attempt to end the marriage tax penalty for 25 million married couples. Since 1995, a growing bipartisan majority in the Congress has tried time and time again to end this gross unfairness in the Tax Code. But each time, President Clinton and a majority of the Democrats in Congress have just said no. In the past 6 years, President Clinton has blocked marriage tax penalty relief more often than Tiger Woods has won golf's major championships.

President Clinton's latest veto leaves a Clinton-Gore legacy of denying 25 million married couples relief from the marriage tax penalty for 8 years. It means that married couples will have to wait longer for relief. It means that they will have to vote for new leadership in the White House if they want justice and fairness in the Tax Code.

This bill does bring fairness to the Tax Code. It gives the most help to those middle- and lower-income Americans who are hit hardest by the marriage tax penalty. By doubling the 15 percent bracket, and, Mr. Speaker, we all know that is the lowest income tax bracket that affects primarily lower- and middle-income people, and the earned income credit income threshold, which affects the very low-income people, we erase the marriage tax penalty for millions of lower- and middle-income workers. This is especially important to working women whose incomes are often taxed at extremely high marginal rates, some as high as 50 percent by this tax penalty.

Despite all of this unfairness, I expect we will still hear some excuses from the Democrats today why we cannot do this. They will say that stay-at-home moms and dads and people who own homes or donate to charitable organizations should not get relief, and this is their idea of targeting. Their plan actually denies relief to these important parents, and I accentuate those who itemize, who have home mortgages or pay taxes on their homes, who have itemized deductions get no relief. They do not want them to get any relief, but that is wrong. Raising a child is the single most important job in the world and we are right to provide these families with relief.

Another excuse we will hear is that our bipartisan plan is too expensive. Too expensive for whom? Too expensive for the U.S. Treasury, which is expected to vacuum in 4.5 trillion surplus dollars over the next 10 years from the American taxpayers, or too expensive for President Clinton who, just yesterday, said he needed to spend that money for more government programs.

Last week, Vice President GORE talked about a rainy day fund, but the President's deluge of spending will soak that up like a super sponge. I would note to my colleagues on the other side of the aisle who undoubtedly will call this bill fiscally irresponsible that the ranking Democrat of the Budget Committee, the gentleman from South Carolina, voted in July for this exact same package. No one can say that he is fiscally irresponsible.

In his January State of the Union, President Clinton stood in this exact Chamber and asked Congress to work with him to fix the marriage tax penalty. We have done that. He vetoed it. So here we are today making every effort to override that veto. When he spoke, there were no preconditions, there was no quid pro quo, no wink and a nod. In fact, there was only boisterous applause and cheers from both sides of the aisle. But 8 months later, when most American families were on vacation or getting their children ready to go back to school, he quietly vetoed the bill.

Now is our chance to right this wrong and finally put an end to the marriage tax penalty for 25 million married couples. We should all vote to override the President's veto.

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

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

Mr. Speaker, I listened with great interest to the rhetoric of the distinguished Chairman of the Committee on Ways and Means as he would have us to believe that the Democrats do not want to give relief as relates to the marriage penalty. Now, he knows that I know that we Democrats have come forward with a bill that true, it does not cost the $300 billion over 10 years, as his does, but it takes care of the marriage penalty, the same way we tried to take care of the estate tax abuses that we found in the Tax Code.

The difference between the so-called Republican solution is that it is not concerning itself just with relief for those people who have an additional tax burden because they are married, it goes beyond that and it is a part of this tremendous, huge billion dollar, trillion dollar tax cut that they conceived in the last session which could not get off the ground. When it was vetoed, they did not even bother to override the veto. So if we were to take the cost of this bill far beyond that of marriage

penalty, we will find plus $200 billion that does not even relate to the problem that we are addressing. The same thing was true when they tried to do something with the estate tax. No, my Republican colleagues do not want to pass laws, they want to pass bills that are going to be vetoed.

□ 1100

They almost made certain that they have the veto before they bring it to the floor, because the President of the United States has already publicly said if they want to negotiate a solution to the tax penalty, sit down and talk.

But if it was not so close to the election, this thing would be hilarious, because the first time the Republican leadership has an opportunity to go to the White House and to talk about working out a solution to legislation so we can get out of here, do they talk about the marriage penalty? No. Do they talk about estate tax relief? No. Do they talk about a general tax cut for everybody so people can have their money? No.

What do they talk about? Well, listen. Stay tuned in. There is a new Republican plan, and the plan is to set aside a part of the surplus to pay down our national debt. And when does it come in? Three weeks before the conclusion of the legislative session.

So this is poppycock. They are holding the marriage penalty bill hostage because they want to vote on the President's veto. He had the courage to veto this bill because it is irresponsible. We have to sustain the President, and then find out what is the next rabbit they are going to pull out of the hat before we conclude.

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

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. FOLEY), a respected gentleman from the Committee on Ways and Means.

Mr. FOLEY. Mr. Speaker, I thank the gentleman for yielding time to me. I thank the chairman for his leadership, and my colleague, the gentleman from Illinois (Mr. WELLER), for his strong leadership in enactment of this bill.

I urge every one of my colleagues to override this veto. At a time when every Member of Congress is going around the country, particularly the candidates for president, and saying they are family-friendly, it is unbelievable to me that any Member could turn around and vote against ending a tax penalizing married individuals.

Some Members here have already turned their backs on working families, small businesses, farmers. When we tried to protect their families from the legacy destroyed by death taxes, we were unsuccessful. We will debate and discuss that. But I urge them not to do that today to married individuals.

As a society and as a civilization, we cannot afford a government that punishes marriages. I ask every one of my colleagues to search their hearts and souls and think about this upcoming weekend as they return to their communities, their churches, and their friends by standing up for the institution of marriage, standing up for families, giving them the relief they deserve, and overriding the President's political veto of this bill.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from the sovereign State of Washington (Mr. MCDERMOTT), a distinguished member of the Committee on Ways and Means.

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

Mr. MCDERMOTT. Mr. Speaker, let me begin by saying that there is not anybody on this floor who does not want to help middle class families. When the Contract with America was brought out here with all the fanfare in 1995, the marriage tax penalty was in it. When the first tax bill came to the Committee on Ways and Means, I offered an amendment to remove the marriage tax penalty in the Committee on Ways and Means. Every single Republican on the committee voted against it.

The only reason we could say they did it, I suppose, was kind of ''NIH,'' not invented here. They did not have their name on it. So they came back the next year after they had done the polling and realized they had made a mistake, and they have been trying ever since, but they always wrap it in a humongous tax cut.

Now, none of us believe that we will leave this session without a cut in the marriage tax penalty. I will be willing to bet anybody on this floor that when we sign off and leave here about October 1, we will have agreed with the President on a middle-class tax cut on the marriage penalty.

What is amazing is what the gentleman from New York (Mr. RANGEL) just talked about, the meeting that happened in the White House yesterday. The Speaker of the House came and said, ''We have a plan: 90 percent goes for debt relief, and 10 percent goes for investment.'' If we take all the taxes that have been pushed by the Republicans and are pushed by Mr. Bush of $1.7 trillion, and we only have $5.5 trillion, if we have a calculator in our pockets, which the Speaker ought to have, we realize that that is 31 percent of the projected surplus that is going for tax cuts. We cannot do it in 10 percent. It is 3 times as much as we left on the table.

So either the Republicans on the floor are walking away from Mr. Bush and his tax cut, which I think most of them are, or they simply are trying to put a fraud out on the people that they can do 90 percent for bringing down the debt and 10 percent, and there is no money left for investment, no money for social security, no money for Medicare, no money for education, none of the issues that we ought to be doing with the surplus.

The American people are faced in this election with a choice: Will we have a big tax cut, or will we invest in the future? Most Americans are interested in protecting their retirement, their social security, their Medicare, which is really security in health areas. They are interested in educating their kids to deal with this economy so we do not have to bring in, under the H–1B visa, hundreds of thousands of people from around the world because we say our own kids are not qualified to take the jobs in this economy, we have to give the high-paying jobs to people outside the economy.

When we get down to this tax cut, it is part of an overall package. We are going to cut it and make a negotiation at the end.

Mr. ARCHER. Mr. Speaker, I would simply say, that is wishful thinking.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. LEWIS).

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

Mr. LEWIS of California. Mr. Speaker, I thank my colleague for yielding time to me.

I rise to express my support for the 25 million married couples in the country who will be negatively affected by the President's veto, and strongly urge that we override that veto.

Mr. Speaker, Republicans and Democrats agree. Congress and the President agree. It is wrong to tax 25 million couples at a higher rate just because they are married. So why are we forced to override a veto to right this wrong? The answer is simple: partisan politics.

The President and the Democrats say they can't support the effort to resolve this injustice because it ''doesn't help the right people.'' Here are the ''wrong people'' it would help:

Nearly a million low-income working families who would receive up to $421 more a year from raising the phase-out level of the Earned Income Credit.

25 million taxpayers at all levels who would save up to $1,450 in federal taxes because the standard deduction for married couples would be made equal to two individuals.

Millions more middle-income families who would save hundreds of dollars each year because the 15 percent tax bracket for couples filing jointly would be increased to twice that of single filers.

Millions of married taxpayers at all levels would be treated fairly for the first time in nearly 40 years. These couples have been paying extra taxes every year since their wedding.

The Democrats and the President have said they can't support this reform because it provides some relief to the taxpayers who pay 65 percent of the nation's taxes. These are the people who have funded the surplus that we are now blessed with. And when this fairness legislation is in place, they will still pay 65 percent of the nation's taxes.

The Democrats and the administration clearly believe the federal budget surplus is their money. They cannot conceive of allowing the people who have already provided this surplus to pay less in future years. Instead, they would spend it on mammoth new federal programs,

run by Washington bureaucrats. Or they would tell taxpayers now to spend their own money in order to qualify for any reduction in the taxes they pay.

It's time for Congress to recognize that this money belongs to the taxpayers. At the very least, we should pass this legislation to provide tax justice to 25 million families.

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. WELLER), a respected member of the Committee on Ways and Means who has fought very hard for this legislation.

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

Mr. WELLER. Mr. Speaker, we are hearing a lot of rhetoric, particularly on the other side today, but what is the issue today? There is one issue: that is, do we override the President's veto of our effort to wipe out the marriage tax penalty that affects 25 million married working couples who suffer higher taxes just because they are married?

In fact, 25 million married working couples on average today pay higher taxes of almost $1,400 a year just because they are married under our Tax Code.

I have an example here, Shad and Michelle Hallihan, two public school teachers from Joliet, Illinois, who suffer the marriage tax penalty. They have an average income each year of about $65,000. That is their combined income. They are homeowners. They have a child, little Ben. They suffer the marriage tax penalty, about $1,400.

In the South suburbs of Chicago, $1,400 is real money. It is one year's tuition at Joliet Junior College; it is 3 months of day care; several months' worth of car payments; it is a home mortgage payment, a month or two for many, many families; but it is real money for real people.

That is what this is all about, is do we allow folks like Shad and Michelle to keep their money, or do we send it to Washington, particularly on this issue of tax fairness?

I was so proud. After several years of working, my chairman, the gentleman from Texas (Mr. ARCHER), has been concerned about this issue since he first came to this Congress. Many have been working on this issue for a long time. This House and Senate voted to wipe out the tax penalty for people like Shad and Michelle Hallihan this year, and we did it the year before. Unfortunately, the President vetoed it.

We want to help everyone who suffers the marriage tax penalty: those who itemize, those who do not.

I was proud to say that every House Republican voted to eliminate the marriage tax penalty. Fifty-one Democrats joined with us to eliminate the marriage tax penalty. We doubled the standard deduction for joint filers, for married couples, so they earn twice as much in the same tax bracket.

We also widen the 15 percent tax bracket. We help those who itemize, we help those who do not itemize. The bottom line is, we help 25 million married working couples.

As I mentioned earlier, Shad and Michelle make about $65,000 a year, their combined income. They are middle class public school teachers. They suffer the average marriage tax penalty. When AL GORE called for the veto of this legislation, he said that people who own a home, who make about $65,000 a year, who pay the average marriage tax penalty of $1,400, are rich, and that if people itemize their taxes, like Shad and Michelle Hallihan, because they are homeowners they do not deserve any marriage tax relief because they are rich.

So that definition of rich says if one pursues the American dream, gets married, has a family, buys a home, and then has to itemize their taxes, they are rich and they do not deserve marriage tax relief. They should still suffer the marriage tax penalty.

That is wrong. I believe, and I think the majority of this House believes, that if one really wants to be fair, we should help everyone. Couples making $65,000 a year like Shad and Michelle Hallihan, who happen to be homeowners and happen to itemize their taxes, deserve tax relief just as much as anyone else when it comes to the marriage tax penalty.

Let us override the President's veto. I invite more Democrats to join with us. Let us be fair to people like Shad and Michelle Hallihan. They are not rich, they are middle class.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the distinguished minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding time to me.

Mr. Speaker, a number of years ago there was a man from Michigan whose advice to elected leaders was, ''Say what you mean and mean what you say.'' Of course, that man's name was Gerald Ford. He led this Republican House as a Republican leader, but it would not hurt if those who followed him heeded his words today, because yesterday, in a complete turnabout, a complete about face, the Republican leadership suddenly announced their hunger to join Democrats in working to pay down the national debt.

Of course, that was yesterday. Now, it is less than 24 hours later and we are back at it again. Here they go again, they are trying to pass another piece of their $1 trillion tax cut package, a $1 trillion tax cut package. It is the mother of all tax cuts, and it would rob America of its resources that we need not only to pay down the debt, but to strengthen social security and Medicare, as well.

Our message to Republicans is that it is time to mean what they say.

Should we do something about the marriage penalty? Of course we should do something, and the example that was just given, they are absolutely right, that couple should be given a marriage penalty tax relief act.

But the bill that we are now discussing would only give tax relief to couples who face a marriage penalty. Only about half of that goes to those people. The other half of that bill, which is a monstrous bill in terms of the dollar amount, would go to, Members guessed it, the wealthiest people in our country who have no marriage penalty problem.

That is why Democrats crafted a fiscally responsible marriage penalty relief plan. It is a plan that would help people in Macomb County, in St. Clair County, middle class families that I represent. I am talking about folks just like the couple that we have just seen up here who work hard for a living, pay their mortgage payment, pay their car payment, but do not have a lot left over or anything left over to save with at the end of the month.

We can give those people a hand, and we can do it without taking money out of Medicare and social security, and without risking the premise of reducing the national debt. But we cannot do it if we pass this Republican plan. That is why the President is standing so steadfast against it.

It is time that we focused our attention on helping middle-class families, not just those who are reaping enormous amounts of wealth in this country who have no marriage penalty problem, but who would get half of what this bill is all about.

I urge my colleagues to vote no on this proposal, and to sustain the President veto.

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

Mr. Speaker, I would briefly respond to a statement made by my friend, the gentleman from Michigan, which is not accurate. That is that the Democrats would take away the marriage penalty for those who itemize. Their plan does not, I repeat, does not provide any help for those people who have homes and mortgages and taxes and want to itemize rather than take the standard deduction.

Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. MANZULLO).

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

Mr. MANZULLO. Mr. Speaker, Shane and Penny Fox were married in 1997. Shane is a graphic designer for a charity, and Penny is a legal secretary.

In 1997, their taxable income was $47,000. When they went to file their joint income tax return as required by law, they paid $8,691 in income taxes. But if they had remained single, they would have paid $7,055, so these two people with a combined income of less than $50,000 a year paid $1,636 just because they were married.

I participated in that wedding ceremony. I read the Scripture where it says that God says that a marriage is a holy union. Yet, the official policy of the Federal government, of Congress and the administration, is to discourage marriage. It is to say, they should

not get married. Marriage is not the right thing to do economically.

That does not make sense. That is public policy being made in Washington that discourages people from getting married. What type of government penalizes people because they say, ''I do''?

□ 1115

Did they realize when they said for ''better or worse'' it meant the Federal Government would come along and penalize them $150 a month just because they got married?

The tax is immoral, and sometimes we have to eliminate taxes because they are immoral. Anytime we say marriage is wrong by the Federal Government, it is an immoral tax, and it has got to go.

Do my colleagues know what? Under the Gore-Clinton plan of so-called marriage tax relief, because they bought a home, they would not qualify for their plan. It discourages homeownership.

It is very, very simple. Marriage is good, it is a holy union, but not to the Federal Government, and certainly not to these two who have been penalized $1,607 just because they said ''I do.''

Mr. RANGEL. Mr. Speaker, I yield 3½ minutes to the gentleman from Maryland (Mr. HOYER), distinguished Member of the Congress.

Mr. HOYER. Mr. Speaker, today we waste more precious time on yet another bloated tax bill. This motion to override the President's veto, as the chairman has correctly pointed out, will fail. He knows that. The Republican leadership knows that as well. Yet we persist in this play-acting.

The Republican leadership must give the appearance of doing something, anything in this do-the-wrong-thing-for-special-interests 106th Congress. What do I mean by that? The reason we do not reach a compromise on this is not because of those who are penalized under the marriage penalty but those who are not penalized, the wealthiest in America. That is why we do not come to agreement with the President. That is why we do not come to agreement on both sides, not because of the couple discussed by the gentleman from Illinois (Mr. MANZULLO). We can all agree on that.

The Washington Post got it right recently when it said of these Republican tax bills, and I quote, ''It is not clear which, if any, will be sent to the President. But that does not matter in a mock Congress. It is the show that counts.''

Here we are at the show. Just like last week's debate on the estate tax where we could give millions of Americans relief, but the gentleman from Texas (Mr. ARCHER), my friend, the chairman for whom I have a great respect and affection, we are not doing it, because of the thousands that the President will not include in the bill and that we will not include in the bill.

We are being forced to participate in this show once again today. Meanwhile, the clock keeps running. There are less than 20 days left on the legislative calendar, and we still have not approved 11 of the annual spending bills that keep the Federal Government operating.

The prospects for a Patients' Bill of Rights, a meaningful prescription drug benefit for seniors, a minimum wage increase, a middle-class tax relief grow bleaker by the day.

We agree that the marriage penalty must be remedied. Our bill offers $95 billion in relief over 10 years. But instead of reaching compromise, the perfectionist caucus says do it my way or take the highway.

The leadership once again forced us to genuflect at the alter of Republican ideology, tax cuts for those who need them the least. That is where we differ, not on the couple that the gentleman from Illinois (Mr. MANZULLO) just referred to.

This bloated tax bill would cost an estimated $292 billion over the next decade. It would squander our surplus while not helping this couple who would pay higher interest rates because of the deficits that would result in the squandering of the resources. It would strip us of our ability to strengthen Social Security and Medicare and, as I said, a prescription drug benefit.

Pay down the debt and invest in our children's future. The Republicans' special-interest political agenda is preventing, not facilitating, tax relief for working families. Let us sustain the President's veto, and let us get down to meaningful compromise that will affect millions of Americans that need it most.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume again to respond to, I think, an unintended inaccuracy on the part of the gentleman from Maryland (Mr. HOYER). He said we are ready to fix the marriage penalty for those people who own their homes and itemize. They have never included that in one of their proposals. But they say they are ready to fix it for middle-income people. I would like to see that fleshed out in one of their proposals. They have resisted it over and over and over again. It is unfortunate that they want to cut out these people that the gentleman from Illinois (Mr. MANZULLO) just talked about. We will continue to pursue that.

I also want to say to the gentleman from Maryland I never said we were not going to override this veto. I am still hopeful that there will be 40 percent of the Democrats who will be enlightened enough and fair enough to do this.

Then, finally, I will say that Vice President GORE in his tax relief has said he wants to help stay-at-home moms and stay-at-home pops. Yes, we do that also while we fix the marriage penalty. What is wrong with doing it in the same bill? Why do the Democrats suppose what their own presidential candidate wants to do as a separate item?

This is a very good bill.

Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. TRAFICANT).

Mr. TRAFICANT. Mr. Speaker, I agree with the gentleman from Texas (Chairman ARCHER). This Tax Code is so perverse, it even taxes sex; marital sex, that is.

Now, let us put the hay where the goats can reach it. If one does not get married, one pays less taxes, one gets rewarded. If one gets married, one pays more taxes, one gets hit over the head. To me, that is unbelievable.

Is it any wonder, Mr. Speaker, we have so many unwed mothers in America, so many kids on the street, kids without guidance, kids without stability, kids without fathers, government paying the bills, and Congress expecting schools to straighten them out, to discipline them and to raise them? Beam me up.

Now, let us tell it like it is. I think there is too much partisan politics here today, and we should be dealing with the people's business.

Let us look at the facts. Our Tax Code subsidizes illegitimacy, but taxes the institution of marriage. Our Tax Code promotes sexual promiscuity, but taxes the institution of marriage. Beam me up.

One does not need to be a rocket scientist to see this is the right thing to do. I will vote to override this anti-family, anti-child, anti-mother, anti-wife presidential veto. We are relegating people to the bottom end of the ladder, and the only hope we are giving them is go to the next rung.

This is not the way to do it. The President is wrong. We should override this veto.

I proudly join forces with the gentleman from Texas (Chairman ARCHER). If the truth be known, there are more Democrats deep down in this election year that would like to vote with him, and they should.

I yield back all the broken homes in America and all the kids in jail that need not be there.

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

Mr. Speaker, I was so moved by the gentleman from Ohio (Mr. TRAFICANT), the previous speaker. But just let me say this, it seems as though the gentleman from Texas (Mr. ARCHER), chairman of the Committee on Ways and Means, in his remarks to this august body, referred to the tax proposals of the Vice President of the United States. It may be parliamentarily proper to do that, but I do not think we want to hear anything about Vice President GORE's tax proposals on this floor because I will be tempted, tempted to bring up Governor George W.'s tax proposals. But because of my affection for my Republican friends, I would not want to offend or embarrass them and to have them to run away from them on the floor. So let us confine ourselves to our legislative responsibilities.

Mr. Speaker, I yield 3 minutes to the gentleman from Michigan (Mr. LEVIN),

a senior member of the Committee on Ways and Means.

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

Mr. LEVIN. Mr. Speaker, earlier, the gentleman from Illinois (Mr. WELLER), my colleague on the Committee on Ways and Means, said that the real issue is overriding the veto. He, I think, exposed what this is all about for the majority party. The real issue should be marriage penalty relief.

My suggestion is that, if people really want such relief, my Republican colleagues withdraw this effort that is doomed to failure and they do what we have never done on the Committee on Ways and Means, as the gentleman from New York (Mr. RANGEL) has said, sit down and work out a marriage penalty relief bill on a bipartisan basis. They never tried to do that.

The majority of us favor marriage penalty relief. We can do it on a bipartisan basis. But, instead, we have a bill here that goes way beyond that. It is too broad. It is part of a package that is much too large; and as a result, the package is weighted too much in favor of the very wealthy. No one on the majority side has ever answered this fact: according to CBO, almost half of the tax cut in this bill goes to couples that pay no marriage penalty at all.

So let us sit down and do what we should do and work out, if we are serious, a marriage penalty relief bill. My Republican colleagues do not have a political issue with this because the majority of the public understands what they are after, and that is a 30-second ad instead of a 5- and 10-year tax relief bill.

So I close by saying this, we are ready on the Democratic side to sit down with my colleagues, if they are serious about policy and do not want what they think is a good political move, and put together a marriage penalty relief bill. I hope they will do that after the veto is sustained.

Mr. ARCHER. Mr. Speaker I yield 1 minute to the gentleman from Arizona (Mr. HAYWORTH), another respected Member of the Committee on Ways and Means.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman from Texas (Mr. ARCHER), the chairman of the committee, for yielding me this time.

Mr. Speaker, I say in response to the gentleman from Michigan (Mr. LEVIN), with all due respect, Mr. Speaker, this is a bipartisan way to fix a problem. The Constitution provides for veto override.

This need not be a partisan ballot. Indeed, when people get marriage licenses, they do not record political affiliations. But when they fill out their tax returns and they are penalized to the tune of $1,400 a year, that is a concern whether one is a Republican, Democrat, libertarian, vegetarian, independent.

It comes to this simple philosophy: let married couples and their families keep what they earn to save, spend, and invest. This need not be partisan.

We in the legislative branch have the constitutional ability to override the President of the United States. We invite our friends on the left, join with us, stand for families, not for disguising targeted tax cuts as spending programs, but straight up, allowing American families to keep more of what they earn. That is true compassion. That is why we must override this presidential veto.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin (Mr. KLECZKA), a member of the committee.

Mr. KLECZKA. Mr. Speaker, I have two points I would like to share with the body today. The first is that I am somewhat confused. I read here in the Congress Daily that the Republican leaders went over to the White House yesterday, talked to the President, and they told the President that they are going to set aside their tax cuts in favor of debt reduction. Any surplus coming in would be used for debt reduction, a plan that the American public supports.

Well, that was yesterday. Now today they come back to the floor of the House and try to override this bill they call the marriage tax penalty.

□ 1130

Well, let me talk about that for a moment. If in fact we provide relief to those lovely couples that the Republican colleagues are bringing out on the posters, that would cost, over a 10-year period, $95 billion. In the whole scheme of things, that is affordable. The Democrats support that. Republicans support that. The President, in his State of the Union standing behind me, supports that.

Then, why are we not doing it?

Because the bill before us, Mr. Speaker, costs $290 billion. Well, wait. Marriage penalty is only $95 billion. Where is the other $200 billion going?

Seems as the bill made its way through the process, the Republicans added a little rider, they slipped in a little amendment. And that amendment expanded the tax income for the 15 percent bracket. The effect is that the bulk of the $200 billion added to the bill goes to the wealthy. But the Republicans still call it marriage penalty tax relief bill.

Well, my colleagues, that is a hoax. It is not marriage penalty tax relief. The bulk of the bill goes to people who do not even pay the marriage tax penalty. So what we have here is a sham, a hoax, a Trojan horse.

On one day, out of one side of their mouths, they go to the President and say, no more tax cuts, we were wrong, the American public does not buy it; they want debt relief. Then, they come before the House floor and cry alligator tears for these young, married couples when they know the bulk of the $290 billion goes to their rich friends. That is what is going on around here.

The American public has said, Congress, if in fact there is a surplus, and know full well this is all projections, it is a guess over the next 10 years, but if the guess is right, reduce the national debt on my kids and grand kids, which today is over $3 trillion.

That is where the emphasis should be, and that is what this Congress should be up to. But it is an election year, so what we have to do is try to sell a bill to married couples which really does something else to help in the election process.

I urge my colleagues to not override the veto. Let us get back to what they said yesterday. Let us pitch debt reduction relief.

Mr. ARCHER. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. ROYCE).

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

Mr. Speaker, maybe we can clarify this a little bit. What we are talking about in terms of the standard deduction, what our Democrat friends are saying is that they will support an adjustment in the standard deduction but they will not support what we do with the elimination of the marriage tax penalty, which is to say that we also take care of those who itemize.

Now, 40 percent of the taxpayers itemize; and that is because 40 percent or more have homes or have a condominium. And, as a consequence, all of the examples we have seen here today, the posters on the floor, are of those people who, frankly, itemize their deductions. And because they itemize, they will not get any relief unless we pass the Republican bill. Under the Democrat proposal, they do not get relief from the marriage tax penalty.

Now, on average, this is $1,400 per individual.

Now, the President says these are the rich. But it is just not the case that everybody that owns a home or everybody that owns a condominium and, therefore, itemizes is rich. That is not true. I wanted to point out that.

Mr. RANGEL. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. GREEN).

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

Mr. GREEN of Texas. Mr. Speaker, I thank my colleague from New York and our ranking member for yielding me the time.

Mr. Speaker, I rise in opposition to the motion to override the President's veto of the marriage penalty tax relief.

I support real marriage tax relief, but this bill is fiscally irresponsible. This bill would cost $292 billion over 10 years, $110 billion more than our House version.

Despite its appealing name, more than half the tax cut would benefit couples who not only do not pay marriage penalty but actually get a marriage bonus. And we are not talking about the ones who may have a second home.

Now, having been married for over 30 years, as much as I would like to get a bonus for having been married that long, I would like to work our tax policy differently, Mr. Speaker, and just correct the problem of the marriage penalty and not the marriage bonus.

Let us deal with that marriage bonus. Let us reward people, stay-at-home moms or stay-at-home fathers, in a separate piece of legislation and not confuse the issues. We are talking about marriage penalty relief.

In addition, the Republican bill allows many couples are denied tax relief because of the interaction between the alternative minimum tax with the increase in the standard deduction in the bill. About half the total tax cuts in this bill would benefit only the top 10 percent couples who have incomes over $92,500.

We did have an alternative plan. A Democratic proposal gave $10 billion more in marriage penalty relief to couples and it was not burdened by all the other problems this bill has. But the Democratic bill also cost half as much as this bill even though it added $10 billion more to marriage penalty relief.

My Republican colleagues have designed a bill to give the tax breaks to the highest income couples even if they do not suffer from the marriage tax penalty.

Tax relief is important but so is protecting and strengthening Social Security, Medicare, investing in education, providing for a prescription drug benefit under Medicare, and also making sure our national defense is paid for, paying off the debt accumulated during the 1980s and early 1990s.

We have to balance it, and that is why we need to correct the marriage penalty. The Democratic alternative provides for a middle-class tax cut and still protects our vital national priorities.

The SPEAKER pro tempore (Mr. OSE). Without objection, the gentleman from Georgia (Mr. COLLINS) will control the time for the gentleman from Texas (Mr. ARCHER).

There was no objection.

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

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

Mr. GILMAN. Mr. Speaker, I rise in strong support of H.R. 4810, the Marriage Tax Elimination Act, and in opposition to the President's veto.

I became an early cosponsor of this legislation because I believe the marriage penalty is the most indefensible thing about our Nation's current Tax Code.

The current Tax Code punishes married couples where both partners work by driving them into a higher tax bracket. The marriage penalty taxes the income of the second wage earner at a much higher rate than if they were taxed as an individual. Since this second earner is usually the wife, the marriage penalty is unfairly biased against female taxpayers.

Moreover, by prohibiting married couples from filing combined returns whereby each spouse is taxed using the same rate applicable to an unmarried individual, the Tax Code penalizes marriage and encourages couples to live together without any formal legal commitment to each other.

The Congressional Budget Office has estimated that 42 percent of married couples incurred a marriage penalty in 1996, and that more than 21 million couples paid an average of $1,400 in additional taxes. The CBO further found that those most severely affected by the penalty were those couples with near equal salaries and those receiving the earned income tax credit.

This aspect of the Tax Code simply does not make sense. It discourages marriage, is unfair to female taxpayers, and disproportionately affects the working and middle class populations who are struggling to make ends meet. For all of these reasons, this tax needs to be repealed and I support the veto override.

Mr. COLLINS. Mr. Speaker, I yield 1 minute to the gentleman from Michigan (Mr. UPTON).

Mr. UPTON. Mr. Speaker, earlier this year I sat in this Chamber with many of my colleagues listening to a very long State of the Union speech. It was long for a lot of reasons, but one of them was that there were a lot of applause lines. Many Republicans and Democrats, in fact, stood during one of those, as I did, when the President talked about ending the marriage penalty tax.

This is a bipartisan bill. It was a bipartisan bill in both the House and the Senate. It is not one side trying to jab the other. This is not a tax cut for the rich. It does not help any special interests except for working couples.

What is wrong with that?

Many of these couples, in fact, are struggling to try to make ends meet. They are living from paycheck to paycheck to paycheck.

We need to override this veto. We need to override this veto for American families in all 50 States. I hope that my colleagues would join me in voting to override that veto later this morning.

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

Mr. MORAN of Virginia. Mr. Speaker, I thank the very distinguished ranking member of the Committee on Ways and Means.

Mr. Speaker, about 9 years ago, a constituent alerted me to the fact that he was paying about $1,200 more in taxes for having gotten married than he and his spouse had been paying as singles. He understood the reason for it that, when two people get married, they oftentimes have only one mortgage or rent to pay and they can economize in other ways and when they have children they get a deduction for each child and that there is some rationality to the Tax Code. But it did not seem quite fair.

We introduced a bill and it did not get too far. The gentleman from Washington (Mr. MCDERMOTT) had another bill that he got through the Ways and Means Committee. Our bills cost only about $9 billion a year to fix the whole problem.

What this bill does though, under the guise of fixing the problem, is to put us further in debt to the tune of about $200 billion more over 10 years than is needed to fix the problem. Most of this bill just gives deep tax cuts that are not targeted and do not produce the desired effect.

The reality is that almost as many people get a marriage bonus as get a marriage penalty. Why do we need to give any further incentives to get married? This is not the way that we should be using scarce resources.

What we ought to be doing is paying down the debt. We, the baby boom generation, got the benefit of the debt. We should not be passing our bill on to our kids. We should put first things first, pay off our debts and put our money aside to pay for our retirement, so our kids don't have to.

Let us fix the marriage penalty but do it in a responsible manner. Let us not squander the surplus. Let us provide for the future.

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

Mr. Speaker, I hear the word ''target,'' let us ''target.''

The Tax Code targets everyone who works and earns a check or earns an income. So when we talk about relief, we should also look at everyone who works and earns an income, whether they be employed or self-employed.

The purpose of the marriage penalty relief bill is to try to establish some fairness in a Tax Code that many people feel is unfair, that many people and almost all of us know is very complex and is very costly to the individual to abide by.

So what we were trying to do here and we were successful in the bill but we were not successful with the President's signature was to establish a standard deduction that is equal and fair to each individual, whether they are single or whether they are married.

A single person has a $4,400 deduction. We were creating a $8,800 deduction for a married couple rather than current law that is about $7,300.

We were taking the approach that the first dollars earned as adjusted gross income, whether it be single or whether an individual or a couple be filing as a married couple, that the first dollars earned would be subject to the 15-percent tax rate. For a single individual, the first $26,000 would be subject to the 15-percent rate. And I am using round numbers. For a couple, the first $52,000 would be subject to the 15-percent bracket.

Equal. Fairness. There is nothing wrong with that. And why those who do not support that or why the President did not support that I do not know. I know the excuses, but I do not know the reasons. The excuses were that we are helping the rich, we are helping those no matter what their income level.

What we were doing was establishing fairness on the bottom rung of the ladder. And as they climb the ladder of income, they climb the ladder of progressive tax rates, marginal rates. We have five marginal rates, 15 percent being the lowest. Then it goes to 28 and to 31 and to 34 and to 39.6. And then, as they reach that plateau, they begin to itemize. They even lose their itemized deductions based on their income.

I regret that we have opposition to this bill that supports a measure that would actually prohibit the itemized deduction of homeownership. We should encourage homeownership. That is part of the American dream is to own a home.

We should encourage people to save. Part of these reductions and part of letting people keep more of their earned income could lead to the possibility that some of them would save. Some of them may even put it into a savings account for their children for education purposes.

Lastly, Mr. Speaker, we should encourage marriage. Marriage. When we have a tax code that discourages it, that is wrong.

So I ask my colleagues to swallow the pride of supporting a President who does not quite understand the measures of this bill and support the American people, whether they be single or whether they be married.

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

Mr. RANGEL. Mr. Speaker, I yield 1½ minutes to the gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, through the first 11 months of this fiscal year, our Nation ran a $12 billion surplus. That is available for every American to read. It is a published report of the Bureau of Public Debt. So there is no surplus. The only surplus is in the trust funds.

□ 1145

For the past 4 years, for 3 of those 4 years, I have heard the same Congress that controls the purse strings tell our veterans, the very people who gave us the opportunity to even have this debate, that their budget is frozen, for 3 of the past 4 years. In 1994, the last year that the Democrats controlled Congress, there were 404 ships in the United States Navy. After 6 years of Republican control, we are down to 315. Why? Because there is no money. Well, if there is no money for the veterans, if there is no money for the survivors' benefit pension offset, if there is no money for dual compensation for people who are crippled while they become military retirees, why is it that we can afford to give away $200 billion to people who already get a tax benefit the day they get married?

The Democrat plan would free up those $200 billion to take care of our veterans, to take care of our military retirees, to build the United States Navy back up. It is now the smallest it has been since 1933, while the Republicans controlled both Houses of Congress.

Those are my priorities; and, quite frankly, I am not going to steal it from the Social Security trust fund. I am not going to steal it from the military retirees trust fund. I am not going to steal from it the Medicare trust fund, and I am not going to stick my children with my bills.

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

Mr. Speaker, the gentleman from Mississippi (Mr. TAYLOR) makes some very well-phrased comments. Neither are we going to steal it from Social Security or from Medicare or from any trust fund; but what we have done, in the appropriation process, is to increase funding in all levels that he has spoken of so that we can honor the promises we made to our veterans and so that we can replenish the funding needed for our defense.

He mentioned there is no surplus. Mr. Speaker, we have a positive cash flow, though, and this positive cash flow is real.

I went into business at the age of 18, and at the age of 18 I went into debt. Mr. Speaker, I am still in debt; and I do not have enough funds in my account to pay all of my debt, but what do I have to do? I have a positive cash flow that allows me to meet my obligations, and through the years I have had positive cash flow in some years and not in others; but those years that I did, I was able to give myself a little bonus, and what we are talking about here with this positive cash flow is leaving some of it as a bonus for those who earned it and paid it into the Government, paid into the Treasury, a positive cash flow, one that can be used to meet our obligations and one that can be used also to give relief and a bonus to our people across this country.

Mr. Speaker, I yield 2 minutes to the gentleman from South Dakota (Mr. THUNE).

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

Mr. Speaker, let me just say I agree with the gentleman from Mississippi (Mr. TAYLOR) about the priorities he noted, which is why we are increasing in record levels VA health care funding and we are increasing our spending on military readiness, which is something that is long overdue; but that is a debate for another day.

What we are here to talk about today is the marriage penalty, which I think is a no brainer. I cannot believe that we have to debate this thing. We have 75,000 married couples in South Dakota who pay higher taxes because they choose to say ''I do.'' These are regular working people.

I will give an example of just what I am talking about. There is a young couple that came into my office. The husband makes $46,000 a year. The wife makes $21,000 a year. They are married. They are in their early thirties and they have two young children under the age of 4.

Last year, they paid $1,953 more for the price of being married. That is wrong, and anyone can see how unfair this is. These people are not rich. They do not drive fancy cars and take glamorous vacations. They have to make car payments and mortgage payments every month. They have to pay doctor bills when one of the kids has an earache and they have to pay for day care.

This is common sense tax relief for working South Dakotans and for working Americans, and I hope all Members of this House can see the value of this legislation and the message it sends to the American people and the people of this Nation that we value marriage, we encourage marriage, we do not want to penalize people because they choose to get married. We need to repeal this law and stop punishing married couples in this country for having made a commitment to each other. Overriding this veto and repealing the marriage penalty and the tax law is the right thing to do for this country.

Mr. RANGEL. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. STENHOLM).

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

Mr. STENHOLM. Mr. Speaker, it is interesting how quickly we dismiss the statements of the gentleman from Mississippi (Mr. TAYLOR) regarding the trust funds and the desire of many of us to change the manner in which we have been addressing the trust funds. Today, again, we have a simple question; and I have a simple question to pose. If one believes that providing a tax cut as large as possible is more important than eliminating the national debt and protecting Social Security and Medicare, then vote to override the veto of this bill. However, if one agrees that eliminating the national debt and protecting Social Security and Medicare is more important than any new spending or tax cuts, then vote to sustain the veto.

I am for marriage penalty relief. We could come to this floor this afternoon and in very short order develop a fiscally responsible compromise which would bring meaningful support and tax equity to millions of Americans. Sadly, we choose this morning to continue a charade.

I continue to be amazed at the level of inconsistency in the leadership of this House reflected from one message of the day to the next. On one day this House loves to congratulate itself on its commitment to debt reduction. The next day it is tax relief for small businesses. Another day we swear our support for lockboxes for Social Security and Medicare and then we promise huge tax cuts not only for middle- and low-income married couples but we also sneak in wider tax brackets to benefit the higher-income folk.

Now, I think most of these are worthy and, in fact, should be among our highest priorities; but it is just not possible to have ten different number

one priorities. It takes leadership. The Blue Dogs looked at the whole picture early this year and realistically balanced each concern with the other. We decided that our number one priority should be eliminating our national debt so that we can meet our commitments to Social Security and Medicare in the future. We should talk about tax cuts after we have agreed on a long-term plan to set aside enough of the surpluses over the next 10 years to eliminate the debt and deal with the challenges facing Social Security and Medicare.

I would congratulate my colleagues from the other side of the aisle for coming around to the Blue Dog position on debt reduction, at least in their rhetoric yesterday. Unfortunately, the leadership's conversion to the cause of debt reduction appears to have been a short-term plan of convenience and not a serious long-term commitment to paying off the debt. The fact that we are voting today on this fiscally inconsistent tax cut makes me seriously doubt the seriousness of the Republican leadership's rhetoric about debt reduction.

If the leadership of this House were serious about debt reduction yesterday, they would not be coming to the floor today with this override. We should be working on a fiscally responsible tax cut. I urge my colleagues to vote to sustain the veto so we can get to work on a fiscally responsible marriage tax penalty relief.

Mr. COLLINS. Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee (Mr. WAMP).

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

Mr. WAMP. Mr. Speaker, there has been a lot of talk this fall about who is for the powerful and who is for the people, and I have a populist thread that runs deep to my core and most folks know I come right from the center of this floor, from this body to the microphone to speak from time to time; and I have to say that this is where the rubber meets the road because this is a people's issue. This is a populist issue. It is about average people, 110,000 of them in my district. They will pay $1,400 per couple less in taxes. Since they are married, they should not be taxed unfairly.

This is where the people are heard. This is an issue where the rubber meets the road. I clearly believe we are on the side of the people here on repealing the marriage tax penalty. Our Tax Code is too complicated. That debate is for another day, but we have to come back to that. It is also unfair. This tax is unfair. We need to eliminate it. This is where the rubber meets the road.

There was a comment about protecting Social Security. My side, for 2 years, has kept us out of Social Security. That is a success. We deserve the credit for that. There is no question that we pushed the envelope there and we stayed out of Social Security. We are now talking about what do we do about staying out of Social Security and giving the people some of their money back. We hear targeted tax cuts. This is targeted for couples who are married. What better way to target tax cuts than to people who are married? My goodness, my goodness, there should not be any question about this.

This is a people's issue, and on this one we are on their side. We are doing what the people need, married couples, low income, middle income, all folks, married couples. What better way to target tax relief. Vote to override the President's veto. Vote with the majority side here. Vote for the people and repeal and override the marriage tax veto.

Mr. RANGEL. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

(Ms. PELOSI asked and was given permission to revise and extend her remarks.)

Ms. PELOSI. Mr. Speaker, I thank the gentleman from New York (Mr. RANGEL), the distinguished ranking member, for yielding me this time.

Mr. Speaker, as one who celebrated her 37th wedding anniversary last week, I certainly do not support marriage penalty, but I do support the Democratic alternative and urge my colleagues to sustain the veto and congratulate the distinguished ranking member for his extraordinary leadership on this.

Mr. Speaker, we all agree that couples should not be penalized by the tax code when they decide to marry. That is not the issue. The problem with the Republican marriage penalty bill is that its tax cuts go well beyond marriage penalty relief by widening the tax brackets of higher income tax payers. Half of the relief in the Republican proposal goes to people who do not pay any marriage penalty today. As a result, their proposal costs an astounding $182 billion over the next ten years, consuming nearly one-fourth of the surplus.

Such substantial costs will leave less money to strengthen Social Security and Medicare, provide a prescription drug benefit to seniors, pay down the national debt, and provide other essential government services. I support President Clinton's veto of this fiscally irresponsible Republican proposal because enacting a tax cut that reduces our ability to address these important priorities will harm families, businesses and communities across the country.

Democrats have a sensible alternative that costs almost half as much as the Republican bill, while still providing marriage penalty tax relief to a majority of Americans. The Administration has indicated that President Clinton would sign the Democratic alternative if it came to his desk. Marriage penalty relief could be signed into law right now if the Republican leadership would support this alternative.

Despite what Republicans claim, Democrats do not oppose tax cuts, and we have not opposed marriage penalty relief. However, we do emphasize the importance of both fairness and fiscal responsibility when providing tax relief. Fairness that ensures family security and fiscal responsibility that protects our nation's priorities. I urge my colleagues to vote no on the override of President Clinton's veto.

Mr. RANGEL. Mr. Speaker, I yield the balance of our time to the gentleman from Missouri (Mr. GEPHARDT), our distinguished minority leader.

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

Mr. GEPHARDT. Mr. Speaker, I rise to support the ending of the marriage penalty, to say that the Democratic alternative did that for people that actually have a marriage penalty, and our problem with this bill is that it extends about 60 percent of its benefits to people that earn above the middle class and have many more means than the middle class and, frankly, do not have a marriage penalty.

Our problem with the bill, and the President's problem with the bill, and the reason the bill was vetoed, is that it goes ahead and does a lot of things that have nothing to do with the marriage penalty.

We are all for getting rid of the marriage penalty. For about $100 billion over 10 years, we could do that for the people that have a problem. We could be carrying on a discussion today about a bill that the President would sign that would end the marriage penalty, but that is not what was chosen to do. So we are wasting time today, again, working on a bill that has been vetoed that will never see the light of day. I go door to door in my district; I went door to door last weekend and people talked to me about all kinds of issues, prescription medicine and Medicare, a Patients' Bill of Rights, helping public education and trying to get smaller classroom sizes.

And they talk about tax relief; but they want tax relief that is affordable, reasonable, feasible, and is targeted at the people that really need it. They do not think we need tax relief for people that earn $130,000, $150,000, $200,000 a year. They earn $30,000 a year or $40,000 a year; and they would like the tax relief limited and targeted at them. They also want us to save the vast majority of the surplus to pay down the debt and to take care of Social Security and Medicare.

Now yesterday in a meeting in the White House, the Speaker and other Members of the Republican leadership came in with a new budget, and the new budget is that we are going to save 90 percent of the unified surplus to pay down the debt. Now, there are two problems with this. One, we are back to the unified surplus. I thought we were putting Social Security in a lockbox. If we are exposing the unified surplus to some new goal setting, 90/10, it could mean that in some years we would enter the lockbox and start spending Social Security money.

□ 1200

I cannot imagine that we would want to do that.

The second thing is, here we are on the floor today spending an hour trying

to override a veto on a $300 billion tax cut. If you add up all the tax cuts that the leadership has brought to the floor and passed, you are well above 10 percent of the surplus. So the action today is inconsistent with the theory that was propounded just yesterday. We want to do these bills.

I say to my friends on the other side, let us stop the posturing. Let us stop the putting out bills that are not going anywhere. People in your districts and in mine want us to do something now, this year, to end the marriage penalty. We can do the marriage penalty before these next 3 or 4 weeks are up, if we will only target it at the people that actually have a marriage penalty.

Mr. Speaker, I urge Members to vote to sustain this veto. Let us sit down in a spirit of bipartisanship and let us get the job done for the American people.

Mr. COLLINS. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. SAM JOHNSON).

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

Mr. SAM JOHNSON of Texas. Mr. Speaker, I want to assert that our families need some help in America, and this is the way to give it to them.

For a third time President Clinton and Vice President GORE have vetoed a bill to eliminate the marriage penalty tax because they say it is risky.

My question is: What is risky about helping married couples keep more of their own money.

Marriage is a cherished institution in America and we should promote it, not discourage it.

Right now, married couples pay more in taxes than two single people living together. That's just not right. Washington must stop penalizing the cornerstone of our society—the American family.

We should encourage marriage—not penalize it.

In my district alone, this bill would end the marriage penalty for over 150,000 Americans.

Mr. Clinton and Mr. GORE should stop playing election year politics. This bill is just too important.

A vote to override the President's veto is a vote for American families.

Mr. COLLINS. Mr. Speaker, I 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 from Georgia (Mr. COLLINS) for yielding the time to me.

Mr. Speaker, it is really fascinating at times how short people's memories are or the lack of sense of history. When the Republicans became the majority in 1995, we had 40 years of the Democrats control of this body. For 40 years, they ran up the debt on this country.

For 40 years, they had budgets as far as the eye could see that were going to run deficits and increase the debt on our children and grandchildren. When we came in, we told the American people that we would balance the budget, that we would give some tax relief, and we would start paying down on the debt.

We were told by this side of the aisle and Washington pundits and Washington media that that is impossible, we cannot balance the budget and cut taxes and pay down on the debt. I am very proud to stand before my colleagues and tell my colleagues that the budget is balanced, and it has been for a couple of years, that we stopped the raid on Social Security that was going on for 40 years.

They were taking the Social Security surplus and spending it on government programs. We did that last year. And we will do it again this year.

We stopped the raid on Medicare surplus. They were using that for big government programs. We have a big surplus, and for the last couple of years, we have actually not talked about it, we actually paid down over $350 billion on the public debt.

We started this year with a budget that said that now that we have this surplus, we have got to keep it out of the hands of the Washington spenders, and we need to return it to the American people, because they are the people that paid it and it is their money and they are overtaxed. That is the definition of a surplus.

We said that we would take, and I remind the minority leader, at that time we would take 85 percent of the surplus and pay down on the debt, and take other 15 percent and give some of that tax money back to the American people, and we do it in many ways. Repeal the death tax, well, the President vetoed that.

One of the most important reasons is why we are here today is to give some relief to married people, and there is a surplus, there is a $70 billion surplus. Not counting the Social Security surplus, we have a surplus that does not count the Social Security surplus or the Medicare surplus, and we can take 90 percent of that and pay down the debt.

The institution of marriage is the foundation of our communities and our government. Marriage is something that we ought to be honoring and we ought to be respecting. It is time to repeal the destructive immoral tax currently imposed on married couples, a tax that this administration refuses to lift.

The President had the opportunity to end this unfair tax earlier this summer, and with the stroke of a pen, he could have extended fairness to the millions of American families who are burdened by this tax. Unfortunately, the President placed a higher value on retaining Washington spending than he did on extending relief for struggling young families during the last vote on this issue.

A very strong bipartisan majority of the House embraced the simple common sense of ending a tax that discriminates against people starting families. All of us understand that when we tax something we get less of it. Why in the world would the Clinton administration retain a policy that forces married couples to pay a financial penalty? How can they call a family that is making $43,000 a year rich? Their definition of middle class is anybody that does not pay taxes.

Why do Democrats offer an alternative that says it is fine, we can take advantage of the marriage penalty tax and repeal it, but if we have a home and pay a mortgage or we itemize deductions, we do not get the benefit of repealing the marriage penalty.

The support in this House for ending the marriage penalty clearly shows that the American people want and need relief from that tax. A country founded on freedom should not maintain a Tax Code that arbitrarily places an extra burden on husbands and wives.

Mr. Speaker, I urge my colleagues and the President to support this effort and to end the unfair tax on married couples.

Mr. BLUMENAUER. Mr. Speaker, today's debate is supposedly about the marriage penalty, but like last week's debate on the estate tax, it is really about priorities and fiscal discipline.

It will never be possible to design a tax system that is perfect. Often people of good will disagree about objectives and interpretations. Most of the people I represent, however, and a majority of Americans want us to do the job right. They know we can do better. The President is correct in resisting a series of tax cuts that favor those who need help the least until there is at least equal attention to the plight of those who need our help the most.

There are some serious marriage penalties in the tax code and in other areas of federal law, but this bill would not fix them. Lower-income workers, who benefit from the Earned Income Tax Credit, face a sharp reduction in benefits when they marry. This bill does not begin to address that problem. Nor does it try to distinguish between the slightly less than half of America's couples who are affected by the marriage penalty and the other half, who receive a marriage benefit. This bill lowers taxes for many, while overlooking those who need our help the most.

This bill does nothing to ease a difficulty that fully 50 percent of families will face by 2010—the risk that using the child care and education credits will force them into the Alternative Minimum Tax. This is a very real problem, especially for larger families who simply will not get the tax relief they were promised.

These problems can all be fixed, and the cost would be lower than the unfocused proposal the President rightly vetoed. We could have tax relief for those who face the biggest problems, while still reserving funds to provide health insurance to some of America's 11 million uninsured children; to offer prescription drug coverage to the one-third of older Americans who have no insurance for this expense; and to pay down the national debt.

Mrs. MINK of Hawaii. Mr. Speaker, I will vote to override the President's veto of H.R. 4810, the Marriage Tax Penalty Relief Act.

Elimination of the marriage tax penalty has long been my priority. Some argue it is overly generous because it widens the 15 percent tax bracket for all married couples. I see nothing wrong with increasing the 15 percent

bracket for married couples from the current income level of $43,850 to a level of $52,500. No one can claim that those couples are rich. Because our tax structure is progressive, obviously widening the income covered by the 15 percent will impact on all the upper income levels. The issue is whether the lowest tax bracket group should be increased.

I want the Republican and Democratic leadership to get together and work out a marriage tax bill that will be signed by the President. I voted for the Democratic proposal in July. The differences between the two proposals are not so wide that they cannot be bridged. My vote is meant to send a message that repeal of the marriage tax penalty is due. Eliminating one of the most unfair provisions of the tax code is long overdue. If increasing the lowest tax bracket make it too expensive, then let's compromise that, so it costs less. But let's pass the repeal of the marriage penalty.

Mr. BEREUTER. Mr. Speaker, this Member rises today to express his support to override the President's veto of H.R. 4810, the Marriage Penalty Tax Elimination Reconciliation Act. This bill will have a positive effect, in particular, on middle and lower income married couples.

At the outset, this Member would like to thank the distinguished Chairman of the House Ways and Means Committee from Texas (Mr. ARCHER), for introducing this legislation.

It is important to note that H.R. 4810 passed the House on July 20, 2000, by a vote of 271 to 156, with this Member's support. The Senate also passed the same reconciliation measure. In turn, the President vetoed H.R. 4810 on August 5, 2000.

While there are many reasons to support overriding the President's veto of H.R. 4810, this Member will enumerate two specific reasons. First, H.R. 4810 takes a significant step toward eliminating the current marriage penalty in the Internal Revenue Code. Second, H.R. 4810 follows the principle that the Federal income tax code should be marriage-neutral.

First, this legislation, H.R. 4180, will help eliminate the marriage penalty in the Internal Revenue Code In the following significant ways:

STANDARD DEDUCTION

It will increase the standard deduction for married couples who file jointly to double the standard deduction for singles beginning in 2001. For example, in 2000, the standard deduction equals $4,400 for single taxpayers but $7,350 for married couples who file jointly. If this legislation was effective in 2000, the standard deduction for married couples who file jointly would be $8,800 which would be double the standard deduction for single taxpayers.

THE 15-PERCENT TAX BRACKET

It will increase the amount of married couples' income (who file jointly) subject to the lowest 15 percent marginal tax rate to twice that of single taxpayers beginning in 2003, phased in over six years. Under the current tax law, the 15 percent bracket covers taxpayers with income up to $26,250 for singles and $43,850 for married couples who file jointly. If this legislation was effective in 2000, married couples would pay the 15 percent tax rate on their first $52,500 of taxable income, which would be double the aforementioned current income amount for singles.

Second, H.R. 4810 will help the Internal Revenue Code become more marriage-neutral. Currently, many married couples who file jointly pay more Federal income tax than they would as two unmarried singles. The Internal Revenue Code should not be a consideration when individuals discuss their future marital status.

Therefore, for these reasons, and many others, this Member urges his colleagues to vote to override the President's veto of H.R. 4810, the Marriage Penalty Tax Elimination Reconciliation Act.

Mr. UDALL of Colorado. Mr. Speaker, when we considered this bill the first time, I voted for it—although I was very reluctant to do so—in the hope that the Senate would improve it sufficiently to make it acceptable.

However, that did not happen. So, I could not vote for the conference report on the bill and will not vote to override the President's veto.

I support ending the ''marriage penalty,'' but my initial support for the Republican leadership's bill was reluctant because I though that bill was not the right way to achieve that goal. That was why I voted for the Democratic alternative, a measure that would not have been vetoed.

In some areas the Republican leadership's bill did too little, and in others it did too much. It did too little by not adjusting the Alternative Minimum Tax. That means it would have left many middle-income families unprotected from having most of the promised benefits of the bill taken away. The Democratic substitute would have adjusted the Alternative Minimum Tax. It did too much because it was not carefully targeted. It did not just apply to people who pay a penalty because they are married. Instead, a large part of the total benefits under the bill would have gone to married people whose taxes already are lower than they would be if they were single. In other words, a primary result would not be to lessen marriage ''penalties'' but to increase marriage ''bonuses.''

And, by going beyond what's needed to end marriage ''penalties'' the Republican leadership's bill as originally passed by the House would have gone too far in reducing the surplus funds that will be needed to bolster Social Security and Medicare.

Those were the reasons for my reluctance to vote for this bill. They were strong reasons. In fact, as I did then, if voting for the bill would have meant that it immediately would have become law, I would have voted against it. But I reluctantly voted for it because at that point the Senate still had a chance to improve it.

I was prepared to give the Republican leadership one last chance to correct the bill's deficiencies rather than simply to insist on sending it to the President for the promised veto. I hope that the Republican leadership would allow the bill to be improved to the point that it would merit becoming law—meaning that it would deserve the President's signature.

Unfortunately, they did not take advantage of that opportunity. Instead, they insisted on sending to the President a bill falling short of being appropriate for signature into law. I cannot support that approach.

The bill as sent to the President—the bill that is not before us again—is not identical to the original Republican bill as initially passed by the House. But it is still very poorly targeted. Half of this bill's tax relief would go to couples who are not affected by any marriage penalty at all—and overall the bill is still fatally flawed.

It seems clear that back in July the Republican leadership decided to insist on sending the President a bill he would veto, on a timetable based on their national nominating convention. If that was their desire, they have achieved it. I greatly regret that the Republican leaders decided to insist on confrontation with the President instead of seeking a workable compromise that would lead to a bill that the President could sign into law.

If the President's veto is upheld—and I think it will be—I hope that Members on both sides of the aisle will work to develop a bill that will appropriately address the real problem of the ''marriage penalty'' and that can be signed into law this year. Certainly, I am ready to join in their efforts.

Mr. BENTSEN. Mr. Speaker, I rise in opposition to the veto override of H.R. 4810. With just under fourteen legislative days remaining, we are poised to vote on a measure that will only provide tax relief to a small segment of Americans, at a cost of $292.5 billion over 10 years and at the expense of providing universal Medicare prescription drug benefits, strengthening Social Security and Medicare, and paying off the National debt during the 1980's and early 1990's. Mr. Speaker, this massive tax cut, like the Estate and Gift tax bill before it, puts our seniors and our fiscal security at risk.

H.R. 4810 is overly broad and benefits not only those subject to a penalty but also would confer tens of billions of dollars of ''marriage penalty tax relief'' on millions of married families that already receive marriage bonuses. Approximately half of the tax reductions from the bill's ''marriage penalty relief provisions'' would go to families that currently receive marriage bonuses. According to a recent Treasury Department study, roughly 48 percent of couples pay a marriage penalty and 42 percent get a marriage bonus under current tax law. Therefore, this bill, which will cost $292.5 billion over 10 years will provide a mere $149 in tax relief to the average family with income of less than $50,000. Further, once fully phased in, nearly 70 percent of the benefit will be enjoyed by couples earning more than $70,000 annually, even if they suffered no marriage penalty under existing law.

As I have said before, the most troubling aspect of H.R. 4810 might well be the plan's increase in the 15 percent bracket for married couples to twice the single level, phased in over six years. This one provision, which accounts for nearly 60 percent of the measure's cost, would provide no relief to the 61 percent of all married couples are already in the 15 percent bracket. Moreover, once H.R. 4810 is implemented, nearly half of American families with two or more children can expect to receive little, if any, tax relief because an increasing number of these families would be subject to new tax liability, under the Alternative Minimum Tax (AMT). As we all know, the AMT tax was designed to ensure that wealthy taxpayers could not avoid income taxes through excessive use of preferences such as credits and deductions. Mr. Speaker, surely the Republican Leadership does not see middle-class families with children as tax evaders.

Mr. Speaker, I urge my colleagues to abandon H.R. 4810 and join me in supporting the

Rangel alternative. Offered during original consideration of this bill, the Rangel alternative would cost $89.1 billion over ten years and provides for real relief by increasing the standard deduction for married couples filing jointly to twice the level for single filers as well as an exemption from the AMT. The Rangel substitute adjusts the AMT in an attempt to ensure that the benefits of the standard deduction change would not be nullified. Further, it grants couples a $2,000 increase in the beginning and ending income phaseout levels for families claiming the Earned Income Tax Credit (EITC) in 2001 and a permanent $2,500 increase starting in 2002.

Unfortunately, with the House's rejection of the Rangel alternative, no legislation providing relief from the marriage penalty will be enacted this year. Moreover, the Republican Leadership, by scheduling this vote today, are telling us that they would rather have a political issue than working with Congressional Democrats to craft a bill that the President could sign to give an immediate targeted tax cut to middle-class American families. Mr. Speaker, let's not squander this opportunity to work together and act fast to bring about a targeted tax cut that relieves those who actually suffer a marriage penalty while maintaining our commitment to paying off the debt, providing a Medicare prescription drug benefit for seniors, and strengthening Social Security and Medicare.

Mr. POMEROY. Mr. Speaker, I rise in opposition to the motion to override the President's veto of H.R. 4810, a bill that purportedly addresses the marriage penalty but in fact misses the mark.

I strongly support marriage penalty relief. In my view, the tax code should not penalize couples because they choose to get married. That is why I have repeatedly voted for tax cuts to alleviate the marriage penalty for hard working families.

Unfortunately, the bill vetoed by the President was inflated to nearly $300 billion with about half the total tax benefit going to high income earners who do not even pay the penalty. As a consequence, the vetoed bill would crowd out our ability to enact other tax cuts for working families, to pay down the national debt, and to strengthen Social Security and Medicare. We can eliminate the marriage penalty without jeopardizing these other important priorities.

This override vote need not and should not be the last word on marriage penalty relief this Congress. Members of both parties have offered proposals to address the marriage penalty and there are clearly grounds for compromise. The Republican presidential candidate, for example, has offered a targeted marriage penalty proposal that would restore the 10 percent deduction for two-earner families—a far different approach from the vetoed bill. The distinguished ranking member of the Senate Finance Committee, Senator MOYNIHAN, sponsored legislation that provides more relief from the marriage penalty than any other proposal offered this year by allowing couples to choose whether to file jointly or as individuals.

In the spirit of compromise, today I am introducing the House companion to the Moynihan amendment. Under my bill, couples who currently pay more in taxes because they're married would have the choice to file as individuals, eliminating the marriage penalty. My bill is simpler, provides more marriage penalty relief, and is more fiscally responsible than the vetoed bill.

The one-half of all married couples in this country who pay the marriage penalty deserve our best efforts to reach a compromise. They gain nothing from political posturing and override motions that will inevitably fail. These couples deserve to have a bill enacted this year. We can deliver that tax relief, and I hope the legislation I introduce today can serve as a starting point for how we can address the marriage penalty and protect other key national priorities.

I urge my colleagues to oppose the motion.

Mr. SMITH of Texas. Mr. Speaker, I rise today to urge my colleagues to vote to override the President's marriage penalty veto.

Last February, this House passed the Marriage Tax Penalty Relief Act of 1999, with 51 Democrats crossing over to vote with the Republican majority.

In August, President Clinton vetoed the bill. Today, the House has the opportunity to vote to override the President's veto.

According to the Congressional Budget Office, 25 million couples every year pay an average of $1,400 in higher taxes simply because they are married. That's enough for their children's collect expenses or a down payment on a family car.

Here's how the discrimination works: A single taxpayer earning $30,000 annually pays $3,000 in federal taxes. But if two taxpayers earning $30,000 each marry, they owe $8,400 in federal taxes—40 percent more than the $6,000 they paid when they were single.

There is no justification for making families pay higher tax rates than single Americans. In my own district of Texas, about 66,000 married couples would benefit from the bill.

Raising a family is difficult enough. The federal government should not add to that burden with unfair taxes. That's why I support the House's override of the President's marriage penalty veto.

Mr. KIND. Mr. Speaker, I rise today in opposition to H.R. 4810, the Marriage Tax Penalty Relief Act.

Last year, leadership tried to enact a $792 billion tax cut bill that would have seriously endangered efforts to strengthen Social Security and Medicare, pay down the $5.7 trillion debt and invest in important priorities such as education and a prescription drug benefit for all seniors. The American people soundly rejected this fiscally irresponsible plan.

This year nothing has changed except House leadership has broken apart their big tax bill into smaller pieces. So far, the leadership tax agenda adds up to more than $748 billion over 10 years. This amount is nearly the same as the large irresponsible tax bill rejected last year. The Marriage Tax Penalty Relief bill passed by the House and the Senate and vetoed by the President is, once again, just another vehicle for leadership to push through their tax cuts, at the cost of $280 billion over ten years if its provisions remain permanent, while providing nothing for hard working families.

While I support tax relief for those couples who are penalized, I do not, however, support H.R. 4810. Most of the tax cut would go to couples that pay no marriage penalty at all, in fact they receive a marriage bonus. That is why I supported the substitute originally offered by Representative RANGEL, which was fairer and more fiscally responsible. In fact, two-thirds of America's couples would get the same tax cut under the alternative bill, as they would under H.R. 4810. It would have eliminated the marriage tax penalty by increasing the basic standard deduction for a married couple filing a joint income tax return to twice the basic standard deduction for an unmarried individual, but it would not have further exacerbated the current inequities in the Tax Code by providing a large tax act windfall to couples receiving a marriage bonus, that is, paying less in taxes because they are married than they would if they were single.

Although the President vetoed H.R. 4810 in August, leadership has insisted upon using the short period of time that remains in the 106th Congress to vote on this bill again, knowing that it will not be enacted into law as currently drafted. If leadership was serious about providing relief to married couples who incur a penalty, they would have worked for a truly bipartisan bill that all Members of Congress could have supported and the President would have signed into law. From the beginning leadership proved they were not serious about tax relief when they broke their own budget rules by first bringing up their bill in February, long before they passed a budget resolution. Their timing was purely for show, they wanted to provide tax cuts for married couples on Valentine's day. Further, they never bothered to schedule bipartisan meetings to discuss their bill, they never held a House-Senate Conference meeting, and leadership drafted the final bill behind closed doors.

Our current strong economy has begun producing surplus federal revenues, and, as you might imagine, there is no shortage of ideas for ''using'' the surplus. I am in favor of providing relief for those couples who are penalized by the marriage tax and I hope we can still reach a compromise on tax relief. Unfortunately, this tax relief would have made it more difficult to meet our nation's existing obligations; such as paying off our $5.7 trillion debt, protecting Social Security, modernizing Medicare by offering a prescription drug benefit, and investing in our children's education. Surplus funds allow us to pay down the principal on this burdensome debt, thus reducing the annual interest payments which amount to approximately $250 billion annually. In fact, Federal Reserve Chairman Alan Greenspan stated, that ''ongoing progress to pay off the national debt is an extraordinarily effective force in this economy,'' and that our first priority should be to continue to rack up annual surpluses.

Mr. Speaker, we can have tax cuts this year, but they should be the right ones, targeted at those who are currently penalized by the marriage tax. I urge all my colleagues to oppose the Marriage Penalty Tax Relief bill and sustain the President's veto of the Marriage Penalty Tax Relief Act. Then let's get back together to pass a reasonable compromise that recognizes our obligations to pay off the national debt, strengthen Social Security, modernize Medicare and invest in our children.

VACATING THE ORDERING OF YEAS AND NAYS ON HOUSE RESOLUTION 572, SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

Mr. COLLINS. Mr. Speaker, I ask unanimous consent to vacate the ordering of the yeas and nays on the motion to suspend the rules and adopt H. Res. 572.

The SPEAKER pro tempore (Mr. OSE). Without objection, the order for the yeas and nays on the cited motion is vacated and, pursuant to the earlier vote by voice, the rules are suspended, the resolution is agreed to, and without objection, a motion to reconsider is laid on the table.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. TAYLOR of Mississippi. Mr. Speaker, a preliminary inquiry. Mr. Speaker, my parliamentary inquiry is how would I have this document from the Bureau of Public Debt published on June 30, 2000, how would I have this document that shows the public debt increasing by $40 billion inserted at the RECORD at this appropriate time?

Mr. COLLINS. Mr. Speaker, regular order.

Mr. SAM JOHNSON of Texas. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman from Mississippi (Mr. TAYLOR) could ask for unanimous consent to submit the document for the RECORD.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent for a publication of the Treasury Department to be inserted in the RECORD.

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

Mr. COLLINS. Mr. Speaker, will the gentleman repeat the unanimous consent request?

The SPEAKER pro tempore. The gentleman's unanimous consent needs to be repeated.

Mr. TAYLOR of Mississippi. Mr. Speaker, I ask unanimous consent that the Treasury report of June 30, 2000 that shows that the public debt has increased by $40 billion in the past 12 months be inserted at the RECORD at this point.

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

Mr. COLLINS. Mr. Speaker, reserving the right to object, the documents that the gentleman referred to are already public records, so, therefore, I object.

The SPEAKER pro tempore. The gentleman from Georgia objects.

Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 270, nays 158, not voting 6, as follows:

[Roll No. 466]

YEAS—270

Aderholt
Archer
Armey
Bachus
Baird
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berkley
Biggert
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Castle
Chabot
Chambliss
Chenoweth-Hage
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Etheridge
Everett
Ewing
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Kasich
Kelly
King (NY)
Kingston
Knollenberg
Kolbe
Kuykendall
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Metcalf
Mica
Miller (FL)
Miller, Gary
Mink
Moore
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Pascrell
Paul
Pease
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Regula
Reynolds
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stabenow
Stearns
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tauscher
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
Wise
Wolf
Wu
Young (AK)
Young (FL)

NAYS—158

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

NOT VOTING—6

Engel
Eshoo
Gilchrest
Owens
Vento
Weygand

□ 1231

Mrs. JONES of Ohio, Mr. MENENDEZ and Mr. HINCHEY changed their vote from ''yea'' to ''nay.''

Mrs. EMERSON changed her vote from ''nay'' to ''yea.''

So, two-thirds not having voted in favor thereof, the veto of the President was sustained and the bill was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The message is referred to the Committee on Ways and Means.

The Clerk will notify the Senate of the action of the House.

□ 1234

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will now put the question on each motion to suspend the rules on which further proceedings were postponed on Tuesday, September 12, 2000 in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 4986, de novo;

H.R. 4892, by the yeas and nays;

and H. Con. Res. 327, by the yeas and nays.

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

FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4986, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. ARCHER) that the House suspend the rules and pass the bill, H.R. 4986, as amended.

The question was taken.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 315, noes 109, answered ''present'' 1, not voting 8, as follows:

[Roll No. 467]

AYES—315

Ackerman
Aderholt
Archer
Armey
Baca
Bachus
Baird
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Biggert
Bilirakis
Bishop
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Bryant
Burr
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Capps
Cardin
Carson
Chambliss
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cooksey
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Dunn
Ehrlich
English
Etheridge
Everett
Ewing
Fattah
Fletcher
Foley
Forbes
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (WI)
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Horn
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kasich
Kelly
Kennedy
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Knollenberg
Kolbe
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meeks (NY)
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Ose
Oxley
Packard
Pastor
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rodriguez
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simpson
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Tiahrt
Toomey
Towns
Turner
Upton
Vitter
Walden
Walsh
Wamp
Watkins
Watts (OK)
Weiner
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NOES—109

Abercrombie
Allen
Andrews
Baldacci
Baldwin
Barcia
Barrett (WI)
Berry
Bilbray
Blagojevich
Bonior
Brown (FL)
Brown (OH)
Burton
Cannon
Capuano
Castle
Chabot
Chenoweth-Hage
Conyers
Cook
Costello
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
Deutsch
Doggett
Duncan
Edwards
Ehlers
Emerson
Evans
Farr
Filner
Ford
Frank (MA)
Ganske
Gilman
Green (TX)
Gutierrez
Hansen
Hastings (FL)
Hinchey
Holt
Hooley
Hostettler
Hunter
Jackson (IL)
Jackson-Lee (TX)
Kaptur
Kildee
Klink
Kucinich
Lantos
Lee
Lewis (GA)
Lipinski
LoBiondo
Luther
Maloney (CT)
Maloney (NY)
Markey
McCarthy (MO)
McGovern
McKinney
Meehan
Meek (FL)
Menendez
Miller, George
Mink
Moakley
Nadler
Oberstar
Obey
Olver
Pallone
Pascrell
Payne
Peterson (MN)
Phelps
Rahall
Rivers
Roemer
Rothman
Roybal-Allard
Rush
Sanders
Saxton
Schakowsky
Serrano
Shows
Slaughter
Stark
Strickland
Taylor (MS)
Thurman
Tierney
Traficant
Udall (CO)
Udall (NM)
Velazquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Woolsey

ANSWERED ''PRESENT''—1

Paul

NOT VOTING—8

Engel
Eshoo
Gilchrest
Lazio
Owens
Vento
Weygand
Wise

□ 1253

Messrs. CUMMINGS, BLAGOJEVICH, and CONYERS, Mrs. MEEK of Florida, Mr. BURTON of Indiana, Ms. JACKSON-LEE of Texas, and Messrs. SERRANO, PASCRELL, GILMAN, WAXMAN, and BARCIA changed their vote from ''aye'' to ''no''.

Mrs. JONES of Ohio and Mr. ENGLISH changed their vote from ''no'' to ''aye.''

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Pursuant to clause 8 of rule XX, the Chair will reduce to 5 minutes the minimum time for electronic voting on each additional motion to suspend the rules on which the Chair has postponed further consideration.

SCOUTING FOR ALL ACT

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 4892.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arkansas (Mr. HUTCHINSON) that the House suspend the rules and pass the bill, H.R. 4892, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 12, nays 362, answered ''present'' 51, not voting 8, as follows:

[Roll No. 468]

YEAS—12

Ackerman
Davis (IL)
Deutsch
Greenwood
Hastings (FL)
Kennedy
Lee
McKinney
Roybal-Allard
Stark
Wexler
Woolsey

NAYS—362

Abercrombie
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Castle
Chabot
Chambliss
Chenoweth-Hage
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)

Davis (VA)
Deal
DeFazio
DeLauro
DeLay
DeMint
Diaz-Balart
Dickey
Dicks
Dingell
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Largent
Larson
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Manzullo
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meek (FL)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Minge
Mink
Mollohan
Moore
Moran (KS)
Murtha
Myrick
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Ose
Oxley
Packard
Pallone
Pascrell
Paul
Payne
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Regula
Reyes
Reynolds
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaffer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Toomey
Towns
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Visclosky
Vitter
Walden
Walsh
Wamp
Watkins
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)

ANSWERED ''PRESENT''—51

Baldwin
Barrett (WI)
Becerra
Capuano
Carson
Clay
Conyers
DeGette
Delahunt
Dixon
Farr
Frank (MA)
Gutierrez
Hilliard
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Lantos
Lofgren
Lowey
Maloney (NY)
Markey
Matsui
McDermott
McGovern
Meehan
Meeks (NY)
Miller, George
Moakley
Moran (VA)
Morella
Nadler
Neal
Olver
Pastor
Pelosi
Rangel
Rivers
Rush
Sabo
Sanchez
Schakowsky
Serrano
Sherman
Thompson (CA)
Tierney
Velazquez
Waters
Waxman
Weiner
Wu

NOT VOTING—8

Engel
Eshoo
Gilchrest
Hall (OH)
Lazio
Owens
Vento
Weygand

□ 1305

Mr. SERRANO changed his vote from ''yea'' to ''present''.

Mr. DEUTSCH changed his vote from ''nay'' to ''yea''.

Messrs. WEXLER, ACKERMAN, HASTINGS of Florida and DAVIS of Illinois changed their vote from ''present'' to ''yea''.

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. GREENWOOD. Mr. Speaker, on rollcall No. 468 I inadvertently pressed the ''yea'' button. I meant to vote ''nay.''

HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

The SPEAKER pro tempore (Mr. LAHOOD). The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 327.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. KUYKENDALL) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 327, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 418, nays 0, not voting 15, as follows:

[Roll No. 469]

YEAS—418

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Baca
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (FL)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth-Hage
Clay
Clayton
Clement
Clyburn
Coble
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
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Ford
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kasich
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Nethercutt
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Ose
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
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 (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns

Stenholm	Thune	Watt (NC)
Strickland	Thurman	Watts (OK)
Stump	Tiahrt	Waxman
Stupak	Tierney	Weiner
Sununu	Toomey	Weldon (FL)
Sweeney	Towns	Weldon (PA)
Talent	Traficant	Weller
Tancredo	Turner	Wexler
Tanner	Udall (CO)	Whitfield
Tauscher	Udall (NM)	Wicker
Tauzin	Upton	Wilson
Taylor (MS)	Velazquez	Wise
Taylor (NC)	Visclosky	Wolf
Terry	Vitter	Woolsey
Thomas	Walden	Wu
Thompson (CA)	Walsh	Wynn
Thompson (MS)	Wamp	Young (AK)
Thornberry	Watkins	Young (FL)

NOT VOTING—15

Bilbray	Gilchrest	Rush
Coburn	Hutchinson	Smith (MI)
Doolittle	Lazio	Vento
Engel	Neal	Waters
Eshoo	Owens	Weygand

□ 1313

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

EXPLANATION REGARDING ROLE IN BOY SCOUTS OF AMERICA

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

Mr. PEASE. Mr. Speaker, since 1993, I have served as a member of the Advisory Council of the National Council of the Boy Scouts of America. In this role I am a volunteer advisor to the Boy Scouts and its national governing organization.

□ 1315

I receive no compensation for my service in this role, and am not reimbursed for expenses incurred in fulfilling the duties of the position.

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

Mr. GRAHAM. Mr. Speaker, pursuant to clause 7 of rule XX, I offer a motion to instruct conferees.

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

The Clerk read as follows:

Mr. GRAHAM moves to instruct conferees on the part of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the bill, H.R. 4205, be instructed not to agree to provisions which—

(1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; and

(2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and

(3) preclude a person convicted of murder from being sentenced to death.

The SPEAKER pro tempore. Under the rule, the gentleman from South Carolina (Mr. GRAHAM) and the gentleman from Michigan (Mr. CONYERS) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from South Carolina (Mr. GRAHAM).

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

Mr. Speaker, the topic that we are addressing today in the motion to instruct conferees on the DOD bill involves an effort made by Senator KENNEDY in the Senate to attach Federal hate crimes legislation to a bill in the Senate. This issue is now before the House. It is before America.

To Senator KENNEDY's credit and to the gentleman from Massachusetts (Mr. FRANK), I would think it is fair, I hope he does not take offense, Senator KENNEDY is one of the last liberal lions. He has roared loudly and he has fought for his position and he was successful in the Senate.

As to my motion to instruct conferees on this matter, I hope people who agree with my position will also raise their voice loudly because it is an honest debate long overdue about exactly what we need to be doing in America when it comes time to punish people and what role the Federal Government has.

There has been a huge departure in the law of the land to the Kennedy amendment. Federal jurisdiction is now available through the Attorney General of the United States in almost every act of criminal violence that may exist in the country if in the mind of the perpetrator and the status of the victim certain people are involved.

I hope we will reject this way of thinking. I hope we will, as a Nation, prosecute vigorously those who with intent, malice aforethought, through the violation of existing State law, hurt human beings in general and that there is no need, objectively speaking, politically speaking, to have a Federal crime that only applies based on the hate of the perpetrator and the status of the victim.

This legislation has a four-part test that would allow the Attorney General to invoke a Federal statute that does not exist today, and the last prong is the Federal interest and hate crime eradication is insufficiently served by a State prosecution. That is all encompassing. That means whatever the Attorney General wants it to mean.

I stand before the House and the country saying that we in America have laws at the State level that apply to everyone. I do not know of any law in this country by any State or any jurisdiction that says we can hurt certain people because of their race, religion, or sexual orientation. That is not a defense. That is not a problem that we are having to deal with in this country.

This is an effort, I believe, to give Federal jurisdiction to expand the role of the Federal Government in a way that will ultimately divide Americans.

The Columbine High School case is a case in point. Two obviously hateful, disturbed young men took it upon themselves to do tremendous violence and damage and murder. Their motives vary. They killed some people because they were jocks. They killed other people because they did not like them personally. They killed some people because of their race. They were twisted minds. They brought a lot of pain and heartache and suffering to many families.

My motion to instruct says simply this, prosecute people not for their motives but for their actions.

Motives are important. They have to intend to kill. If they tie someone to the back of a truck in Texas and they drag them to their death, I do not care why they did it, if they intended to do it, they deserve the fullest and swiftest punishment available.

The Kennedy amendment allows the Federal Government to pick and choose based on the status of the victim. In that case, an African American was dragged to his death because the people involved had hate in their heart. In the State of Texas, one is serving life and two of those folks involved are facing the death penalty. That to me is justice. And that can happen and has happened all over this country.

Using the model that Senator KENNEDY has put forward, eight murders would fall in the classification of hate crimes, nine of the thousand rapes. I would argue to the Members of this House that every rape is a hate crime.

Before I came to this body, I was a prosecutor in the civilian world in the Air Force; and I will assure my colleagues that every woman that has been violated and is forcibly raped, the man involved hated that woman, and I do not care to know any more other than, without their consent, they did a great violence to their body.

In the Texas case, here is what could happen if this law that Senator KENNEDY has proposed goes forward and if we agree to it today. There is an element of the Kennedy Federal legislation that is very curious and potentially very damaging. We are creating two statutes to deal with the same event. The Federal Government, under this legislation, because we are the Federal Government, would have the ability to prosecute the case first if it reached out and grabbed the case.

Let us use the case in Texas for instance. Under the legislation proposed by Senator KENNEDY and this House will be instructing conferees on, the death penalty is not authorized. That is a huge point. The basis of the Kennedy legislation deals with events that really are not real in substance. There are no mass ignoring bodily injure cases based on people's sexual orientation, race, gender, or religious background. That is not a problem in this country. And that is good news.

But here would be the problem if we adopted Senator KENNEDY's way of doing business. The Federal Government, by legal right, would have the

ability to take that case over from the State courts, engage in the prosecution, spend the money, the time, and the effort, and the result would be in the Federal system that the two people facing Death Row punishment in Texas could not be sentenced to death under the Federal legislation. It changes the death penalty component of every murder statute in this country.

I want the Members to understand what they are voting on.

Let us talk about the politics for a moment. There are many people really worried about this vote. If I do not create a new Federal statute that would give the Attorney General the right to take over any case in the land when certain conditions are met based on the attitude and the motivation of the perpetrator, maybe people will think that I am a racist, that I am homophobic, that I have religious prejudice. Because that is the political dynamic going on here.

The question we need to ask as a Member of Congress is, do we trust our States to deal with situations where people are assaulted in general and specifically where race, religion, or sexual orientation is involved.

If we do, we do not need this legislation. The question we need to ask ourselves is, is there a legitimate reason other than the political dynamic being created for us to give the Federal Government power unknown in the history of our country to reach out and grab a case that could be prosecuted in the State court. I would argue not.

I would argue that what we need to do in this country is make sure that those people who hurt human beings, regardless of the motivation, receive the fullest punishment under the law, the full extent of punishment available.

The Kennedy proposal takes off the table the death penalty, and the chance of having two prosecutions is very remote because the Federal Government will go first and the only way the death penalty can be applied is to do a separate prosecution in State court. And if they have the desire and the willingness to do that to begin with, there is no need to remove it.

So I would argue very strongly to the Members of the House that this proposal does not address real problems in America that exist today, it is creating a whole new set of problems that this country cannot stand.

We are thinking of a million reasons to divide ourselves. We focus on our differences in this House in a political fashion that maybe goes overboard. But America needs to come together on the idea that we do not care why they engage in violence, we are going to punish them if they do. And every American should feel good about the idea that they are going to be judged based on their conduct and that their sexual orientation, their religious background, or their race is not going to create one statute for them and leave everybody else behind. That does not make a better America, and that does not address the problems of crimes.

Because the hate crime legislation that Senator KENNEDY proposed, the real area where the cases would be had is in the simple assault area, areas where people get in all kinds of conflicts and, under the theory of the statute, they could remove it. I would argue there is no need to do that.

The real danger here is that we are empowering the Federal Government to remove a case, whether it be the Columbine case or whether it be the Texas case with the gentleman behind the truck who was dragged to a violent death, and prosecute that case in a manner that would do great harm to serving ultimate justice within the jurisdiction where it happened.

Mr. Speaker, I hope that we will reject the political movement, the political cause of the day, and stand behind a simple concept that the Federal Government has a proper but limited role and that, when individual citizens choose to hurt their neighbors, hurt other citizens within their State, that the State has a chance to do swift and certain justice and that we not pass a Federal law that takes the death penalty in practicality off the table. This is not going to make America a better place.

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

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

Mr. Speaker, I am happy to join my distinguished colleague from the Committee on the Judiciary on this matter. He has three positions with which he asks that we be instructed not to agree. One and three are false, and two I disagree with.

First of all, it is not accurate to say in our bill that we preclude a person convicted of murder from being sentenced to death. While we do not have a death penalty, some States do. And so, wherever the State law applies, there would be a death penalty.

In our bill, we do not have one. And so, I do not see where that is very important.

He questions whether or not the Fourteenth Amendment, by guaranteeing all persons equal protection under the law, is a safeguard against the hate crimes bill. And that has no accuracy whatsoever.

And so, I am a little baffled by the motion to instruct because he seems to suggest that the bipartisan legislation that the Senate has passed somehow violates the equal protection of the laws and affects the Federal Government's administration of the death penalty. We do not appear to be discussing the same bill.

The Graham motion would instruct the conferees to reject provisions that fail to account for the fact that the Constitution guarantees all persons equal protection under the law. His motion is beside the point because his statement is, apparently, designed to create constitutional doubt where none exists.

The Congress' authority to create new penalties for violent crimes involving bodily injury if motivated because of race, color, religion, national origin, gender, sexual orientation, or even disability, does not depend on the equal protection clause of the Fourteenth Amendment.

□ 1330

What it rests on is the undisputed authority of the 13th amendment and on the commerce clause itself. So my friend, the gentleman from South Carolina (Mr. GRAHAM), I guess is saying that by prohibiting hate crimes against individuals who have suffered historic discrimination on the basis of race and color or national origin or gender or sexual orientation or disability, that we are violating the constitutional rights of everyone else. Could that be what he is saying?

Well, if it is true, then I have to raise a question of whether he thinks that any statute that prohibits discrimination and violence on the basis of these categories also violate the 14th amendment. Should they be repealed? Should we repeal the existing Federal criminal hate crimes law already on the books since 1968, which prohibits the intentional interference, with the enjoyment of Federal rights and benefits on the basis of, again, the victim's race, religion, national origin, or color? Should we repeal the Church Arson Act which prohibits the intentional destruction of religious property because of race, color, or ethnic characteristics of individuals who worship there?

One cannot avoid race. These are the problems. One cannot avoid disability. One cannot avoid sexual orientation. Does the gentleman want to repeal the Civil Rights Act of 1964, which prohibits employment in public accommodations based on discrimination of race, color, religion, as usual? Do we want to repeal the Age Discrimination Employment Act of 1967? What about the Fair Housing Act of 1968, which prohibits housing discrimination on the basis, again, of the usual factors? Does he want to repeal the Americans with Disabilities Act of 1990? We just celebrated it for a decade of progress, which prohibits discrimination on the basis of disability; and the rest. It goes on and on and on.

So if this is a new historic challenge to raise a constitutional point that has never been thought of before, this is a great time to have that debate. If it turns out that the first instruction, part one, is not accurate, the second we disagree with, and the third is not accurate, then we should move quickly on to a motion to instruct the conferees on hate crimes that I have that will come up shortly.

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

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

Mr. Speaker, I would like to answer some of the questions asked. The answer is, no, I am not asking that this

body or any body vote to repeal laws that make it unlawful to discriminate based on race, religion, the 14th amendment in general. What I am asking this body to do is not to create a Federal law that does that.

Here is the effect of it: if somebody kills me, that would bother my family. I do not know if it would bother a lot of other people, but it would bother my family. Somebody kills the gentleman from Michigan (Mr. CONYERS) and we let the motive of that person decide what to do, my family is out. That is the effect of this statute. The victims and the attitude of the perpetrator decide whether or not the Federal law applies.

Let me say what is going to happen throughout America if we pass this legislation as drafted. Criminal defense attorneys, pretty smart guys, pretty smart ladies, I have been one, I do not know if I was smart enough, but if I have somebody come in to my office and this statute exists that allows the Federal Government to engage in prosecution first, and I would argue exclusively because the effect of doing it twice is lost, that there is going to be a rise in hate crimes because the defendant is going to find the Federal niche that allows the case to go into the Federal system where there is no death penalty. That is what is going to happen here.

We are going to have people throughout the land manufacturing motives that give the benefit of a Federal statute that prohibits the death penalty because in the State where they live they could get the death penalty, and the chance of prosecuting these cases twice are almost zero from a practical point of view.

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

Mr. GRAHAM. I yield to the gentleman from New York.

Mr. NADLER. Mr. Speaker, I would say to the gentleman from South Carolina (Mr. GRAHAM), he just said that if we passed hate crimes legislation, defendants would opt for the Federal statute and so forth; but what the bill before the Senate that we are talking about, before the conference committee, I suppose, does is expand existing hate crimes legislation that has been on the books for 32 years three new categories: sexual orientation, gender, disability. It is already on the books. Has it had that effect?

Mr. GRAHAM. Reclaiming my time, the existing statute that deals with Federal prosecution of events like going to serve on a jury or going to vote is one thing where there is a clear Federal nexus. What this body needs to know that what has happened in the Senate is that the Federal nexus is nonexistent. It is every event in America now is subject to the Attorney General certifying under prong four that this is somehow a hate crime and the Federal Government preempts.

I am not asking that the statutes that exist be repealed that protect Americans at the Federal level from participating in guaranteed constitutional activities. I am saying that this allows the Federal Government, through prong four and through the whole intent of the legislation, to take any event, anywhere, any time, and make it a Federal case and the death penalty is taken off the table. That is not good for this country.

One, people are divided. I do not get the benefit of the statute in certain situations; some other person might. We are equally harmed. The State has the ability to take care of this.

If it is taken from the State and they are expected to prosecute the person for the death penalty later on, there was no need to take it from the State to begin with.

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

Mr. GRAHAM. I yield to the gentleman from New York.

Mr. NADLER. I would say to the gentleman from South Carolina (Mr. GRAHAM), the current statute is a hate crimes statute with respect to race, color, creed, national origin. That is the statute. The amendment would be sexual orientation, gender, disability.

Mr. GRAHAM. Reclaiming my time, the statute has a mechanism to create Federal jurisdiction, the current statute, that requires a Federal nexus.

The amendment has a four prong test and the final prong of that test is that Federal interest in hate crime eradication, according to the Attorney General, is insufficiently served by a State prosecution, which means there really is nothing more than the opinion of the Attorney General determining whether or not there is State or Federal jurisdiction.

This is the expansion that I am talking about, not that people are prosecuted based on the motive; that it is being expanded to an area where there is no Federal nexus required and this would allow the Federal Government, based on this four prong test, to take any case and every case.

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

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. I begin, Mr. Speaker, by congratulating my friend, the gentleman from South Carolina (Mr. GRAHAM), from untrapping himself. He had originally filed two potential instructions. At some point, he must have figured out, with or without help, that they contradicted each other. So he dropped the one.

Mr. GRAHAM. They did.

Mr. FRANK of Massachusetts. Well, the gentleman acknowledges without my yielding to him, but I am a generous kind of guy so I will acknowledge his acknowledgment.

The gentleman acknowledges that he filed two instructions yesterday, on the spur of the moment, which contradicted each other, and then he prayed over it overnight and figured out that they contradicted each other. We were not told until shortly before we began which one he was going to do. So apparently the gentleman first figured out they contradicted each other and then decided which one.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, the two motions to instruct were filed last night. I have always intended to do the one I am talking about now. I had a colleague ask that they preserve the right to approach it from a different angle. That is up to them, but that is why I did it.

Mr. FRANK of Massachusetts. Well, the gentleman from South Carolina (Mr. GRAHAM) filed them both so apparently he tells us now that he filed one knowing that it contradicted the other.

I will say this, and let me point out that the contradiction is not simply a minor thing. The one he filed and decided not to offer deals with hate crimes of the sort that the second one says are unconstitutional. So the gentleman filed two instructions. One he was reserving the right to instruct the House to do something which he has now decided is unconstitutional. That is a reversal. I have seen the Supreme Court reverse itself on constitutional issues, but it usually takes them more than 12 hours.

Now, it is not simply the gentleman's first instruction that would be repudiated here. What it says, and this is particularly relevant to section 2, he says here that it is a denial of equal protection under the law if prosecution of certain offenses is conditioned on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim.

First, let us be very clear. This does not say if one is black they are protected and if one is white they are not; if one is gay they are protected and if one is straight they are not; if one is disabled they are protected and if one is able-bodied they are not. What it says is that if someone goes after someone else on any of those grounds, if a racial minority attacks someone who is white for these hate crime reasons, that is protected. So it is not giving one set of groups protection against another.

It is saying, equally, anyone who is attacked because someone objects to his or her membership in a group that is defined by race, color, religion, national origin, that is the majority, the minority of religions, there is no one majority so it is any group, they are all protected. Christians are protected, Jews are protected, Hindus are protected, atheists are protected, if the motive is based on their religion.

Now we have had laws like this on the books for a very long time. We begin with the Civil Rights Act in the 1860s right after the Civil War. We had

House-passed lynch laws, which Republicans used to be for, which dealt with this. We have on the books some hate crimes statutes. We have in some anti-discrimination statutes, I believe, some criminal provisions.

There was some anti-discrimination statutes which if they are violated blatantly one can have criminal provisions. According to this resolution, all of those would be wrong because there are a series of statutes on the book that trigger prosecution based on the race, color, religion, et cetera, of the victim.

Now, why did this all of a sudden become controversial? Why did the Civil Rights Act of 1868 and the Church Arson Act that my colleague from Michigan mentioned and others, why did they suddenly become controversial? I guess I ought to apologize. It is because of us. By us, I refer to those of us who are gay or lesbian or bisexual.

This whole notion of prosecuting people who singled out vulnerable minorities or who, as a member of a minority acted against the majority based on this, the Church Arson Act, the anti-lynch laws, et cetera, it was never all that controversial and then people said among the people who are often assaulted because of their identity are gay and lesbian and bisexual, particularly transgender people who have been the victims of a lot of violence, and all of a sudden it became controversial. That is why the gentleman first had an instruction and it is one that many in the other body on the Republican side were in favor of; it was one that said we will do hate crimes, but we will stick with good old-fashioned categories like race and religion; but let us not get into sexual orientation. So some inconsistencies have arisen because of sexual orientation.

Now among the inconsistencies is the notion that my friends on the other side are opposed to federalizing State crimes. I mean, they should write for some situation comedies with that kind of material. The House Committee on the Judiciary has consistently federalized crimes. Carjacking we federalized; in the abortion area, the late-term abortion bill. States had the same powers as the Federal Government, whether there is or is not a constitutional problem. It was a Nebraska statute that went to the Supreme Court.

We also passed a Federal statute. The House Committee on the Judiciary and the Congress, for the past 6 years, has federalized a number of crimes without any particular Federal nexus. Indeed, the Supreme Court struck down some of these because they said there was not enough of a Federal nexus, but our committee has gone forward with others.

So there has never previously been an objection to saying that we are going to punish someone in some cases if they have committed bad acts against people, not thoughts but if one has committed bad acts against other people because of their membership in a group, that was not until recently controversial. In fact, as I said, in the gentleman's first instruction it was not controversial at 6:00 last night. That one got a bad reputation very quickly.

It is when sexual orientation entered into it that all of these objections came up.

Now there is a red herring here and that is the death penalty issue. The fact is that, as the gentleman has acknowledged, if some Attorney General preempted a murder case under the hate crimes statute, it would still be prosecutable by the State. He says that is unlikely. What is even less likely is that the Attorney General, absent any real showing of a hate motive, would reach down and take it up.

It does say the Attorney General can do these in cases where the Federal interest in prosecuting was not being vindicated.

□ 1345

Mr. Speaker, the notion that a State prosecutor was about to bring a capital charge against someone and threaten that person with a death penalty and the Attorney General would say, wait a minute, you are not vindicating the Federal interests, it is nonexistent. That is not really an argument that I think is a major part of this.

Mr. Speaker, I think what we have here is this resistance on the part of some people on the other side to anything that deals with sexual orientation.

We just voted on something with the Boy Scouts. I regretted that that came up. I thought that bill should not be filed. I thought it should not be brought up. I think the Boy Scouts do a lot of good work. I regret the fact that they discriminate. I do not think the appropriate way to try to deal with it was the way here.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. Mr. Speaker, does the gentleman from Massachusetts believe there is a problem throughout the country that people based on the sexual orientation and who are hurt in a violent confrontation that people are letting the prosecution go because of the sexual orientation?

Mr. FRANK of Massachusetts. Reclaiming my time, Mr. Speaker, not throughout the country, but in some places in the country, in fact, I believe, just as there was strong support for lynch laws.

Mr. GRAHAM. How many cases?

Mr. FRANK of Massachusetts. When I yield to the gentleman that means the gentleman asks the question and I get to answer. Okay. I will yield again in a minute.

Mr. GRAHAM. Yes, sir.

Mr. FRANK of Massachusetts. I want to finish the answer. We had a hearing before the Committee on the Judiciary last year and several people came forward, including one particular case in Oklahoma where people were beaten and were not given any prosectorial defense.

Mr. GRAHAM. Would the gentleman yield?

Mr. FRANK of Massachusetts. Not until I finish. I urge the gentleman to have a little patience. He has asked the question; it is a little complicated. The answer will take awhile.

There was a situation in Pennsylvania, where a particular bar was the subject of a great deal of violence, and I believe there was initially an insufficient response.

The point is that this legislation is written to take into account the fact that most crimes of violence are, in fact, prosecuted at the State and local level. Part of what it does is to offer aid to people at the State level and that, by the way, we have had people, for instance, the local law enforcement officials in Wyoming who prosecuted the Matthew Shepherd murder, welcomed that, because they can be overburdened by it. They can have hate groups that show up; and they can overburden, in some areas, the local resources.

But we are saying there will be some cases in this vast country where a particular group will be subject to a particular prejudice, and in those exceptional cases the Federal Government can intervene. So I can think of a couple right recently that we have had. There was some others, I do not remember exactly which came up in the hearing. But, yes, there are cases where there are particular prejudices against particular groups. Transgendered people happen to be in many cases the objects of violence. And in many cases, they are protected; but in some cases, because of the prejudice that they face, they have not been protected. This is a standby authority for the Attorney General to step in, if she finds that there is this pattern of non-enforcement.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. The gentleman talks about, not me directly, but what we are trying to do. I challenge the gentleman to prove to anybody in this body that I, as a person, former prosecutor, would give the gentleman a pass if the victim was homosexual and the perpetrator just did not like, and I will only use the terms that came up in the Air Force case, the faggot that lived down the hall. That guy got the full effect of the law.

I say to the gentleman from Massachusetts (Mr. FRANK), I do not believe that America is such today that the State court systems need to have the Attorney General under this legislation because of any reason they so choose to be able to take that case away.

Mr. FRANK of Massachusetts. Reclaiming my time, let me respond, I am

going to respond, first of all, the gentleman asked me to prove that the gentleman is biased?

Mr. GRAHAM. No. I am asking the gentleman to tell me how many cases are we talking about the gentleman mentioned. Is it 100? Is it 200? Where are they?

Mr. FRANK of Massachusetts. I do not have the exact number, but I will respond to the gentleman's assertion. He says he cannot believe, apparently, that anywhere in this country there would be bias on the part of local law enforcement that would lead to unequal prosecution.

I wish we lived in that country. I believe most law enforcement people do the right thing. I gave them two specific cases, one in Oklahoma, where people were beaten and the district attorney did not intervene, and one in Pennsylvania where a bar was being terrorized and there was not local intervention.

I would say this, this concern about Federal intervention puzzles me coming from someone who has generally voted with the committee majority to federalize a number of crimes. Carjacking, is it that there are State prosecutors who somehow have a soft spot in their heart for carjackers? Why did the majority federalize carjacking? I do not think that they did that because there was some soft spot; they felt there was some particular pattern that had to be responded to.

There have been other cases, where we have in this body, I sometimes voted no, made Federal crimes out of things that were also State crimes. But the gentleman's point I want to focus on, this statute assumes that prosecution at the Federal level will be the exception.

In fact, much of the statute that we are asking people to vote for says let us help local people with the prosecution, let us help State prosecutors; but for him to argue that it is unthinkable that anywhere in the country members of a particular insular group might be the victims, people of an unpopular religion, transgendered people, people of a particular race, and they might be of the majority race in some parts, but the minority race in other parts.

The notion that American history yields us no pattern ever of local law enforcement people withholding equal treatment because of prejudice is very puzzling to me. We have not heard it before.

Church arson, is there some pattern? Maybe the gentleman wants to repeal the Church Arson Act, but the Church Arson Act does talk about going in there in these circumstances, and I did not previously hear these arguments.

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

Mr. FRANK of Massachusetts. I yield to the gentleman from South Carolina.

Mr. GRAHAM. By definition, every statute that the gentleman talked about has a clear Federal nexus; the existing hate crimes statute has a Federal nexus.

Mr. FRANK of Massachusetts. What about church arson? What is the Federal nexus in the Church Arson Act? What is the Federal nexus in church arson? There is not any. I thank the gentleman for his shrug. What is the Federal nexus for church arson?

Mr. GRAHAM. Is there none?

Mr. FRANK of Massachusetts. I asked the gentleman a question.

Mr. GRAHAM. Honestly, I do not know.

Mr. FRANK of Massachusetts. I did not yield to the gentleman. I am being asked to give back the time. I yielded to the gentleman to ask him a question. If he was going to ask me the same question back, I would not have taken other people's time.

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

Mr. Speaker, the point I am making and the point still stands, there are two very good points, every law we have on the books at the Federal level has a Federal nexus. But in the Senate, there has been a huge departure here. And part of it is politically motivated.

Let me tell my colleagues the effect of this statute again. If we go down this road, the Attorney General of the United States for the first time, that person, whoever he or she may be, has the ability under this legislation to take an event that has no Federal nexus at all, reach out and grab it based on the mentality of the perpetrator and the class of the victim.

Using an example, if someone in South Carolina or any other State engages in a violent offense against somebody based on the race, sex, religion, sexual orientation, under this statute, the Attorney General can take that case away and prosecute it at the Federal level and take the death penalty off the table. That should really send a chilling effect throughout this body. Not only have we done away with the Federal nexus, bias exists all over the world and will to the end of time. Is that the reason bias in general in theory to go out and destroy the ability of a State to prosecute vicious crimes in their backyard?

I would argue that this country is better off because the people in Texas sentenced two of the three people to death who drug the African American to his death behind a truck; that we are better off when local people will stand up and say, wrong, face the ultimate punishment, than we would ever be to have somebody in Washington for political reasons take the case away and get a headline and we can impose that penalty.

That is what this is about. This is an effort to empower the Federal Government in a manner never had, and the way you get there is you separate us. Because if I am attacked by the same person that the gentleman from Massachusetts (Mr. FRANK) may be attacked by, their motive determines what statute applies, and that is wrong.

Columbine, when they shoot the man, the young fellow because he is a jock, and killed the person beside him because of her religion, and the one next to the table because of the color of their skin, forget about those differences, prosecute that person based on what they did. And that is what you are trying to destroy here, and that is why I am here.

I want people to be responsible for their conduct to the fullest extent of law and let people where the event happens chart their destiny; and there is no reason to give the Attorney General of the United States this much power, because the abuses described do not exist. This is an effort to politicize and federalize where the country will be a great loser.

Mr. Speaker, I yield 2 minutes to the gentleman from South Carolina (Mr. SANFORD).

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

Mr. Speaker, I hate following him. I just came to chime in for just a few moments because the gentleman asked me to and because I think this makes common sense. I think that the problem with the debate on the other side, and I would say to the gentleman from Massachusetts (Mr. FRANK), who I have the utmost respect for his intellect, the utmost respect for the way he has been a consistent advocate for things that he believes in, and the only reason I find myself in this case differing with him is based on, for instance, the statistics I have here.

For instance, last year, 23 children were murdered in America by their baby-sitters; 23 children were murdered in America by their baby-sitters. And the question I think goes back to the heart of what the gentleman from South Carolina (Mr. GRAHAM) was getting at. I am not a lawyer, I do not have a legal background, but just from the standpoint of common sense, let us say it was the most loving of baby-sitters, they took care of the child for years, but in the end they ended up murdering them, do we want to treat that person differently than somebody else simply because one hates the child more than the other?

But the bottom line is still the same, and that is those 23 children last year in America are just as dead. Whether they were loved prior to being killed or whether they were hated prior to being killed, they are both dead. The theme that I think the gentleman from South Carolina is getting at is the theme that has been the basis of our judicial system, which is equality under the law.

The other issue that I think he is getting at, and I think there is validity in this, and that is the idea of federalizing crime. There is disagreement within our conference on whether we should or should not do that. I found myself voting against the gentleman from Florida (Mr. MCCOLLUM) on any number of different things who takes a very different position on federalizing some of these crimes versus not.

Lastly, I would go to the point which the gentleman from South Carolina has

raised a couple of times, and that is, this death penalty issue, which is a legitimate debate; but I do not know that we want to preemptively strike out death penalty with this kind of legislation.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Connecticut (Mr. SHAYS).

Mr. SHAYS. Mr. Speaker, I thank the gentleman for yielding the time to me, and I rise in opposition to the motion of the gentleman from South Carolina (Mr. GRAHAM) and support the motion that will be offered by the gentleman from Massachusetts (Mr. FRANK).

If we walked down the National Mall along the Potomac River, we reach the newest memorial in our Nation's Capital. It honors Franklin Delano Roosevelt, the 33rd President of the United States. It was FDR who said ''We must scrupulously guard the civil rights and civil liberties of all citizens, whatever their background. We must remember that any oppression, any injustice, any hatred is a wedge designed to attack our civilization.''

This statement is no less true today than it was back then. I strongly support the Hate Crimes Prevention Act because this legislation respects the fundamental relationship between local law enforcement and the Federal Government.

Local law enforcement agencies will continue to have primary responsibility for investigating, prosecuting violent crimes based on hate. But when it comes to violations of civil rights, the Federal Government has historically played an important role in the prosecution and punishment of these violations. And when local authorities request assistance or are unable or unwilling to act, Federal law enforcement agencies must be able to come to their aid.

The hate crimes legislation authored by Senators GORDON SMITH, a Republican, and TED KENNEDY, a Democrat, creates an important safety net to ensure victims of hate crimes receive the justice to which they are entitled. It will permit the Department of Justice to provide technical, forensic, prosecutorial or any other form of assistance to State and local law enforcement officials in cases of felony crimes that constitute a crime of violence and are motivated by bias based on race, color, religion, national origin, gender, disability, or sexual orientation. Federal hate crimes, therefore, is not a new idea.

Mr. Speaker, for 32 years Federal law has covered certain forms of violence based on hate. Unfortunately, under current law, Federal prosecution of a hate crime is permitted only if the crime was motivated by bias based on race, religion, national origin, or color and the assailant intended to prevent the victim from exercising a federally protected right such as voting or attending school.

This dual requirement substantially limits the potential for Federal prosecution of hate crimes, even when the crime is particularly heinous. The Hate Crimes Prevention Act removes this restriction, enhancing the ability of Federal law enforcement agencies to assist State and local authorities and in investigating and prosecuting hate crimes of all kinds.

I believe violence based on prejudice is a matter of national concern, and I urge my colleagues to pass the Frank motion so we can enact this important legislation this year. I would say I have voted to federalize a number of crimes as have the opponents of this effort.

□ 1400

For me, there are times the Federal Government needs to step in.

Mr. GRAHAM. Mr. Speaker, to address the point of my colleague here, who I admire very much, this is not about adding into an existing statute sexual orientation and disability. This is about changing fundamentally to its core the way the Federal Government is able to interfere or take over a prosecution of an otherwise State case.

There has been a fundamental deviation here from the Senate. Senator KENNEDY was able to create an environment legally where the only thing stopping the Federal Government from reaching out and grabbing a case for the first time in the history of the country is the attitude of the Attorney General and put it in a venue where the death penalty does not apply. That is my point. The point is that this statute does so many bad things.

POINT OF ORDER

Mr. CONYERS. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman will state his point of order.

Mr. CONYERS. Mr. Speaker, the gentleman from South Carolina (Mr. GRAHAM) has not yielded himself time.

The SPEAKER pro tempore. Does the gentleman from South Carolina yield himself such time as he may consume?

Mr. GRAHAM. Yes.

The SPEAKER pro tempore. The gentleman may proceed.

Mr. GRAHAM. Mr. Speaker, to get the statute to kick into effect, all you need is an Attorney General willing to do it. There is no Federal nexus in the traditional sense of what has been the law of this land since its inception.

Number two, to get this statute to kick into effect, you are treating Americans differently who may have suffered the same harm. The example I gave at Columbine, three dead kids, three different reasons in the mind of the perpetrator; one gets the statute, the other does not. That is not going to make this a better country.

Mr. Speaker, the State court systems have proven themselves to rise to the occasion in horrendous events of recent time. The Wyoming case, the person who was brutally murdered because of sexual orientation, those persons are serving life in jail. It was done by the people of Wyoming. Wyoming is a better place for having taken care of that problem and risen to the occasion. The recent case of the African American being dragged to his death in Texas, two of the three perpetrators are on death row, where they should be. This statute would not allow that to happen if they were tried in Federal Court, and there would not have been a second prosecution.

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

Mr. CONYERS. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from New York (Mr. NADLER), a member of the Committee on the Judiciary.

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

Mr. Speaker, I came here to rise in support of the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS) and in opposition to the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM), because I read the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM); and I am not sure whether it is worth supporting or opposing, because it does not deal with anything in front of the conference.

The gentleman purports it to mean that this would oppose the hate crimes legislation, but we know that there is hate crimes legislation on the Federal books, and it has been there for 32 years. What the Senate proposes, and what I hope the House accedes to, is to increase the purview of that legislation from race, color, creed, and national origin, to include, which it does now, to include sexual orientation, gender, disability of the victim. And we certainly should, because an attack on someone based on those characteristics is an extra assault on society and ought to be punished in an extra way.

But look at the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM). We should instruct the conferees not to agree to anything that fails to recognize that the 14th amendment guarantees all people equal protection under the law. Well, of course. And the Hate Crimes Protect Act does not deny anyone equal protection under the law. So I have no problem with that provision, because it does not refer to anything in front of the Senate or the House.

He instructs that we should not agree to provisions which deny equal protection under the law by conditioning prosecution of certain offenses under race, color, religion, national origin, gender, sexual orientation, or disability of the victim.

Well, the hate crimes legislation does not do that either. As was pointed out before, the hate crimes legislation does not say that if you attack a black person or a gay person only should you be prosecuted. It says if you attack someone because of their race, color, creed, of whatever variety, whatever race,

whatever color or creed, whatever sexual orientation, whatever gender, because of that there is an extra viciousness and an extra protection, that does not deny equal protection under the law.

Everybody is subject to it; everybody can be helped by it. Whether you are attacked because you are a man or a woman, a gay person or a straight person, a Christian, a Jew or a Hindu, black, white or green, it does not matter. Everybody gets that equal protection. And it says that we should not agree to any provision that would preclude a person convicted of murder from being sentenced to death.

Well, that one, I do not agree with the death penalty, so I do not have a problem with that. But the fact is, it does not do that either. The gentleman from South Carolina (Mr. GRAHAM) said that by the Federal Government prosecuting on a statute that does not have the death penalty, that might preclude the State from prosecuting the same act on a statute that does have the death penalty.

But it is black-letter law. For the last 40 years it has been black-letter law, Black and Douglas dissenting only, 7 to 2 in the Supreme Court, that different sovereignties can prosecute the same acts under different statutes. That is why the State can prosecute for murder, and the Federal Government can prosecute for deprivation of civil rights. If the Federal Government prosecuted for deprivation of civil rights, the State can still prosecute for murder; and if the death penalty applies, apply it.

So the gentleman from South Carolina (Mr. GRAHAM) is giving us in a motion to instruct, which is entirely phoney, tries to imply that the hate crimes legislation would do these things, which it clearly would not do. It is entirely a phony instruction; and it ought to be defeated, not because it is bad, but because it is phony; and the Conyers instruction to say to broaden hate crimes legislation to cover what should be covered, should be agreed to.

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

Mr. Speaker, we can talk about this or you can read the law yourself. Here is what I am saying, unequivocally: this proposal in the Senate does not expand the list of categories from which a hate crime can be prosecuted to include sexual orientation and disability. It fundamentally changes and does away with the Federal nexus that exists in the existing statute to give the Attorney General of the United States, whoever that person might be, at whatever time in our history, the ability to reach out and take over a case based on the attitude and the motivations of the perpetrator and the class or category of the victim.

One thing is going to flow from this: because you cannot get the death penalty, there are people going to be manufacturing reasons, believe it or not, if you have ever been in criminal law, there are people who are mean and clever, and I have defended some and prosecuted a lot, who are going to say, well, this is a hate crime; this is a Federal hate crime. And they want to go to Federal Court because there is no death penalty, and it will be a headline.

There will be a tremendous amount of political pressure to grab this case, and to show you how much I care as the Attorney General, I am going to take this heinous situation and I am going to do it, because I want to get the political benefit and I am going to be the person in the headline. And America loses, because the Texas case, the Wyoming case, and the whole 21st century, I really believe, is going to be about people finally being held accountable for what they do.

When you go into the Columbine High School situation, you have got three grieving parents. We do not need to carve out one law against the other two. We need to come together as a people and punish to the full extent of the law those that want to harm human beings, end of story, and not create a Federal legislation that undermines the ultimate punishment, the death penalty.

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

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. DELAHUNT), a member of the Committee on the Judiciary and a long-time State prosecutor.

Mr. DELAHUNT. Mr. Speaker, I thank the ranking member for yielding me time.

Mr. Speaker, I know it is not the intention of my friend and colleague to mislead, but I think it is very important to be clear here that those individuals that are presently incarcerated facing the death penalty in Texas would still be there facing that death penalty if the instructions that will be offered in the Conyers motion prevail. It is clear that there is nothing in the Conyers motion that would preclude a State prosecution, absolutely nothing whatsoever; and to suggest that is, I would submit, unintentionally misleading.

I also find it ironic that my colleague has concerns about the States' positions on these particular issues, as if the Attorney General will not work with the States to do what is right. The gentleman should be aware that the legislation is supported by the National Sheriffs Association and by the International Association of the Chiefs of Police.

Mr. CONYERS. Mr. Speaker, I yield the balance of my time to the gentlewoman from Texas (Ms. JACKSON-LEE), a Member of the Committee on the Judiciary.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding me time, and I thank him for his leadership on this motion.

I have come to the floor of this House to support the ranking member, the gentleman from Michigan (Mr. CONYERS), in his motion to instruct. Because I view this as a very solemn debate, I want to say to my good friend from South Carolina that it is important for people to realize that Members take to heart, take seriously, the positions that they argue for, and I do not question the integrity or the honesty and the well-meaning efforts behind my good friend's motion to instruct.

But I do want to raise some questions and concerns and offer my sincerity and my heartfelt expressions of opposition against this motion, and that is that although we have been calling the names of those who have tragically lost their life, some of the more well-known names, let me say to you that it is particularly a source of consternation and hurt in the State of Texas, from which I come, and that is to be known as the State who, in the 20th century, the latter part of the 20th century, had the dismemberment of a human being as a headline of a particular area in our State. The heinous act of hatred against Mr. James Barrett continues to ring loud and clear throughout this Nation, and, following that, the very tragic and violent and brutal death in Wyoming of Matthew Shepard.

But I would say to my friend from South Carolina, even now, just a few short months ago, three individuals saw fit to burn a cross in the front yard of an African American family that moved into a neighborhood that was predominantly white. This is in modern-day Texas. This is in an area not far from Houston, Texas. This is real.

So when we begin to talk about are we serious about a hate crimes initiative, let me say to the gentleman from South Carolina (Mr. GRAHAM), in opposing this motion to instruct, we already have and understand the value and importance of the 14th amendment, the guarantee of equal protection of the law. You already have the evidence that the Constitution has been preserved by 30 years of case law that already says that hate crimes legislation can pass constitutional muster.

In addition, I think it is important to note your provision number two suggests exclusion. There is no exclusion to addition. All we are doing in this Hate Crimes Act of 2000 is to ensure that in addition to all the other elements of this bill, gender and sexual orientation and disability are included. It is not exclusion; it is inclusion. It means that if an Anglo or a white or a Caucasian citizen of the United States or any other, was found to have been hatefully acted upon, they would be able to come under the hate crimes law. It is to be read broadly.

I agree with my good friend talking about the death penalty, because many of us fall on different positions on the death penalty.

□ 1415

I believe there should be a moratorium. I believe it is a tragedy that

there are people who are on death row that we do not really know whether or not they, in fact, are guilty.

Mr. Speaker, what I would say in conclusion is that I will include for the RECORD at this time a letter from the Department of Justice. We have already answered the question as to whether this denies the equal protection of the law. It does not.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, September 13, 2000.

Hon. RICHARD GEPHARDT,
Minority Leader, U.S. House of Representatives, Washington, DC.

DEAR MR. LEADER: The Department of Justice has been asked for its view on a motion by Representative Graham that would instruct the House conferees on H.R. 4205. The motion appears to be directed at the hate crimes provisions contained in section 1507 of the Senate-enacted version of H.R. 4205. The motion would instruct the conferees not to agree to provisions in section 1507 that ''(1) fail to recognize that the fourteenth amendment to the Constitution guarantees all persons equal protection under the law; an (2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death.''

With respect to the first two parts of the proposed instruction, we already have provided extensive analysis explaining the bases of Congress's constitutional authority to enact the hate crimes provisions in §1507 of the Senate-enacted version of H.R. 4025. Moreover, those provisions would not implicate the Equal Protection Clause of the Fourteenth Amendment, which applies only to the States. And, in our view, those provisions would be wholly consistent with the equal protection component of the due process clause of the Fifth Amendment. The protections afforded by the criminal provisions in section 1507 would not be limited to persons of certain races, colors, etc. Those provisions would, instead, protect all persons—regardless of their race, color, etc.—who are the victims of certain crimes of violence committed because of the victims' actual or perceived race, color, religion, national origin, gender, sexual orientation, or disability. In this regard, section 1507 would be analogous to numerous existing laws that protect all persons from certain harms perpetrated against them because of personal characteristics (such as race or gender). See e.g., 18 U.S.C. §245(b)(2) (prohibiting the willful injuring of a person ''because of,'' inter alia, ''his race, color, religion or national origin''); 42 U.S.C. 2002e–2 (prohibiting employment discrimination ''because of [an] individual's race, color, religion, sex, or national origin'').

With respect to the final part of the proposed instruction, the amendment instructs conferees not to agree to provisions that ''preclude a person convicted of murder from being sentenced to death.'' This provision would have no bearing on Section 1507 of H.R. 4205. That provision does not address the death penalty or prosecutions for murder. Rather, it recognizes that States retain primary responsibility for enforcing criminal laws against violent conduct. The provision requires that federal authorities consult with state officials before initiating a federal prosecution and would not impose any restrictions on the ability of state authorities to pursue whatever sanctions are available pursuant to state law.

Thank you for the opportunity to present our views. The Office of Management and Budget has advised us that from the perspective of Administration's program, there is no objection to submission of this letter.

Sincerely,

ROBERT RABEN,
Assistant Attorney General.

Mr. Speaker, I support the motion of the gentleman from Michigan (Mr. CONYERS), and I oppose the motion of the gentleman from South Carolina (Mr. GRAHAM).

Mr. Speaker, I rise on the Conyers motion to instruct conferees on the Department of Defense Authorization bill. It is important that Congress adequately address hate crime violence in America.

Today, we have a unique opportunity to instruct conferees on H.R. 4205, the FY 2001 Department of Defense Authorization bill, to accept the bipartisan Senate-passed provision on hate crime.

In June, the Senate passed the hate crimes bill, introduced by Senators EDWARD KENNEDY and GORDON SMITH. The Kennedy-Smith amendment was adopted on a bipartisan vote of 57–42, with 13 Republicans voting in favor. This legislation would enhance the ability of the local, state and federal law enforcement officials to investigate and prosecute violent acts of hate crimes committed against persons because of their race, color, religion, national origin, gender, sexual orientation or disability.

Despite the fact that more than 190 Members of the House have cosponsored the similar House version of the hate crimes legislation, H.R. 1082, and despite repeated requests that Judiciary Committee Chairman HYDE and Speaker HASTERT allow consideration of this bipartisan legislation, they have refused. In fact, it is because the Republican Leadership has said no for the past several years that this important legislation has not yet to become law.

I remember the senseless killings of three African American children who were killed on Sunday morning by a bomb while they participated in services at the 16th Street Baptist Church. Only recently have individuals been indicted to face trial in the nearly 40 year old murders. This terrible act galvanized the civil rights movement and began a shout for justice, which may at last be answered in a court of law as two Ku Klux Klansmen in Alabama's Jefferson County are finally being brought to justice for the 196 bombing.

As the years passed from the time of the bombing, it was felt that America had made great strides until the night of June 7, 1998 when this Nation's deepest sin was revealed by the murder of James Byrd Jr.

There is no case, which more graphically reminds this Nation that the submerged intolerance caused by racism that steeps throughout the fabric of our society can erupt into gangrenous crimes of hate violence like the murder of James Byrd in Jasper, TX.

The lynching of James Byrd struck at the consciousness of our Nation, but we have let complacency take the place of unity in the face of unspeakable evil. It was difficult to imagine how in this day and age that two white supremacists beat Byrd senseless, chained him by the ankles to a pickup truck and then dragged him to his death over three miles of country back roads.

Since James Byrd Jr.'s death our Nation has experienced an alarming increase in hate violence directed at men, women and even children of all races, creeds and colors.

Ronald Taylor traveled to the eastside of Pittsburgh, in what has been characterized, as an act of hate violence to kill three and wound two in a fast food restaurant. Eight weeks later, in Pittsburgh Richard Baumhammers, armed with a .357-caliber pistol, traveled 20 miles across the west side of Pittsburgh which now leaves him charged with killing five. His shooting victims included a Jewish woman, an Indian, ''Vietnamese,'' Chinese and several black men. Matthew Shepard also suffered a hateful and violent death. We need this legislation to further protect the people of America.

The decade of the 1990's saw an unprecedented rise in the number of hate groups preaching violence and intolerance, with more than 50,000 hate crimes reported during the years 1991 through 1997. The summer of 1999 was dubbed ''the summer of hate'' as each month brought forth another appalling incident, commencing with a three-day shooting spree aimed at minorities in the Midwest and culminating with an attack on mere children in California. From 1995 through 1999, there has been 206 different arson or bomb attacks on churches and synagogues throughout the United States—an average of one house of worship attacked every week.

Like the rest of the nation, some in Congress have been tempted to dismiss these atrocities as the anomalous acts of lunatics, but news accounts of this homicidal fringe are merely the tip of the iceberg. The beliefs they act on are held by a far larger, though less visible, segment of our society. These atrocities, like the wave of church burnings across the South, illustrate the need for continued vigilance and the passage of the Hate Crimes Prevention Act.

This legislation will make it easier for federal authorities to assist in the prosecution of racial, religious and ethnic violence, in the same way that the Church Arson Prevention Act of 1996 helped federal prosecutors combat church arson: by loosening the unduly rigid jurisdictional requirements under federal law. Current law (18 U.S.C.A. 245) only covers a situation where the victim is engaging in certain specified federally protected activities. The legislation will also help plug loopholes in state criminal law, as ten states have no hate crime laws on the books, and another 21 states fail to specify sexual orientation as a category for protection. This legislation currently has 191 co-sponsors, but has had no legislative activity in this House.

It is long past time that Congress passed a comprehensive law banning such atrocities. It is a federal crime to hijack an automobile or to possess cocaine, and it ought to be a federal crime to drag a man to death because of his race or to hang a person because of his or her sexual orientation. These are crimes that shock and shame our national conscience and they should be subject to federal law enforcement assistance and prosecution.

Mr. Speaker, the Conyers motion is truly the only chance for members of the House to vote on a hate crimes bill in the 106th Congress. Accordingly, I call upon my colleagues to seize this opportunity and vote in favor of the motion.

Mr. CONYERS. Mr. Speaker, I yield such time as he may consume to the gentleman from Guam (Mr. UNDERWOOD).

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

Mr. UNDERWOOD. Mr. Speaker, I rise in strong support of the motion to instruct of the gentleman from Michigan (Mr. CONYERS) in the name of justice and fairness.

I would like to thank the gentleman from Michigan, Mr. CONYERS, for offering this motion to instruct Committee Conferees. I strongly support this motion which is based upon the Senate Hate Crimes Amendment introduced by Senators EDWARD KENNEDY and GORDON SMITH. this amendment would:

Expand current hate crime laws to include discrimination based on gender, sexual orientation and disability;

Allow federal authorities more jurisdiction in investigating and persecuting hate crimes; and

Provide grants up to $100,000 to train local law enforcement officials in identifying, investigating, prosecuting and preventing hate crimes, including hate crimes committed by juveniles.

Such legislation is particularly important in light of the rash of hate crimes committed in recent months. Hate crimes, such as the events in Pittsburgh, Pennsylvania, where one African American, one Jewish woman, and three Asian American men were killed on April 28, 2000, highlights the critical need for hate crimes legislation, not only for the Asian Pacific American Community, but for all Americans.

This hate crimes amendment was patterned after the Hate Crimes Prevention Act of 1999 (H.R. 1082/S. 622). It enjoys the broad support of 175 civil rights, civic and law enforcement organizations, including the Organization of Chinese Americans, India Abroad Center for Political Awareness, International Association of Chiefs of Police, Federal Law Enforcement Officers Association and Police Foundation.

As Chairman of the Congressional Asian Pacific American Caucus, I speak on behalf of the national Asian Pacific American community in urging all members to support this motion. Strengthening Hate Crime laws is a common sense policy and step in the right direction for all Americans.

Again, I appreciate the opportunity to address the Committee and urge all Members to support this motion to instruct.

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

One thing will happen when this is over. There will not be hate between us. We will come together, and we will work together where we can, and we will disagree when we have to.

I want to clear up the RECORD the best I can and explain what my motion does what I think is very needed. One, there is no objective evidence that the Committee on the Judiciary or anyone else, as we see, that the States are ignoring violent assaults based on people's race, sex, gender, national origin, religion or disability. There is no State, there is no repeated pattern of where one gets to pound on a particular group and nobody does anything about it. That is a fallacy.

Let me tell my colleagues about the legal consequences of what we are about to do in my opinion, and my colleagues need to read the statute themselves. This allows the Federal Attorney General, unlike the current statute, it is not merely including sexual orientation and disability in a list of existing Federal hate crime legislation. It is changing fundamentally the way that the legislation operates to allow the Attorney General, whoever he or she might be, to reach out and preempt a State lawsuit.

There are definitely two sovereigns in play; but legally speaking, if the Attorney General, motivated by headlines or a disgust for the death penalty or whatever political reasons may exist in an emotional, high profile case, can stop that prosecution and do it in Federal court, leaving the State to have to clean up the mess later. And the expense goes through the roof and the likelihood of that happening is zero.

It allows too much authority in the hands of the Attorney General with no Federal nexus like all the other Federal statutes have. It does a terrible thing. It divides us based on the motivation of a perpetrator and the class of the victim, and the Columbine situation is the perfect situation, unfortunately, to talk about this. Disturbed, mean, hateful people who hated life, focused on jocks, focused on somebody who was African American, focused on a girl praying, killed them all. They deserve to be prosecuted by the people in the community where it happened, and the Federal Government has no reason to get involved unless one can show throughout the land that people such as that get away with it, and they do not.

Mr. Speaker, I will tell my colleagues, as someone was involved in the criminal law before I came to Congress, that if we create this system, if we create this dynamic, we are going to have a lot of mischievous behavior out there where people are manufacturing hate crimes because it is a better deal if they can get in the Federal system, because they will not face the death penalty, as the men who are in Texas are facing the death penalty for dragging the African American gentleman to his death.

Please, look at what we are doing here today. Do not divide America. Stand up for the 14th amendment the way it was written for all of us, and make sure the Federal Government, because of headline-grabbing Attorney Generals in the future, regardless of party, cannot come and destroy our communities' abilities to heal their wounds and to deal with their bad actors and to create justice the way it sees fit in its backyard.

The SPEAKER pro tempore (Mr. SIMPSON.) Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina (Mr. GRAHAM).

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

Mr. FRANK of Massachusetts. 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 196, nays 227, not voting 10, as follows:

[Roll No. 470]

YEAS—196

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fletcher
Fossella
Fowler
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hoekstra
Horn
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
LaHood
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McCrery
McHugh
McInnis
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Radanovich
Ramstad
Riley
Rogan
Rogers
Rohrabacher
Roukema
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Shimkus
Shows
Shuster
Simpson
Skeen
Skelton
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NAYS—227

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bartlett
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Crowley
Cummings
Danner
Davis (FL)

Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Holden
Holt
Hooley
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kolbe
Kucinich
Kuykendall
LaFalce
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Sherwood
Sisisky
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weldon (PA)
Wexler
Wise
Woolsey
Wu
Wynn

NOT VOTING—10

Engel
Eshoo
Gilchrest
Johnson, Sam
Lazio
McIntosh
Owens
Reynolds
Vento
Weygand

□ 1443

Messrs. ANDREWS, MOORE, FRANKS of New Jersey, and REGULA, Ms. SLAUGHTER, Ms. RIVERS, and Ms. DANNER changed their vote from ''yea'' to ''nay.''

Mr. LEWIS of California and Mr. ARCHER changed their vote from ''nay'' to ''yea.''

So the motion to instruct was rejected.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mrs. ROUKEMA. Mr. Speaker, on Rollcall No. 470 I inadvertently pressed the ''yea'' button. I intended to vote ''nay.''

PERSONAL EXPLANATION

Mr. OWENS. Mr. Speaker, this morning, I was unavoidably absent on a matter of critical importance and missed the following votes:

On the Journal (Rollcall No. 465), I would have voted ''yea.''

On H.R. 4810, (Rollcall No. 466), the veto override of the Marriage Penalty Act, introduced by the gentleman from Texas, Mr. ARCHER, I would have voted ''nay.''

On H.R. 4986 (Rollcall No. 467), Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion Act of 2000, introduced by the gentleman from Texas, Mr. ARCHER, I would have voted ''nay.''

On H. Con. Res. 327 (Rollcall No. 469), honoring the service and sacrifice during periods of war by members of the U.S. Merchant Marine, introduced by the gentleman from California, Mr. KUYKENDALL, I would have voted ''yea.''

On H.R. 4205 (Rollcall No. 470), instructions to conferees on the Department of Defense authorization bill, offered by the gentleman from South Carolina, Mr. GRAHAM, I would have voted ''nay.''

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

Mr. CONYERS. Mr. Speaker, I offer a motion to instruct conferees on H.R. 4205.

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

The Clerk read as follows:

Mr. CONYERS 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 agree to the provisions contained in title XV of the Senate amendment.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from Arkansas (Mr. HUTCHINSON) each will be recognized for 30 minutes.

The Chair recognizes the gentleman from Michigan (Mr. CONYERS).

□ 1445

Mr. CONYERS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Missouri (Mr. GEPHARDT), the minority leader of the House, to begin the debate on the motion to instruct on this most important vote on civil rights in this session of Congress.

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

Mr. GEPHARDT. Mr. Speaker, I rise in strong support of the Conyers motion, a motion that is in keeping with the best of our national traditions.

First, let me say that I am very glad that we are finally at long last having this debate, a debate that allows us to express our feelings, our passion on one of our most important and greatest priorities.

Yesterday, I stood outside of this marvelous building on the lawn just a few feet from our rotunda, and I listened to Judy Shepherd talk about the murder of her son Matthew. Judy Shepherd talked about the pain of losing a child to senseless violence and about the ugly, horrible crimes that are committed against people simply because of who they are.

Matthew's mother called on our Congress to act. She called on all of us here to take a stand against hate, to renew a few simple principles into our laws, principles that say so much about who we are and what we believe.

This bill is critical in so many ways. It gives law enforcement officers at all levels of government the tools they need to deal with horrible acts of hate-based violence.

It sends a message to the world that crimes committed against people because of who they are, that these crimes are particularly evil, particularly offensive. It says that these crimes are committed, not just against individuals, not just against a single person, but against our very society, against America.

These crimes strike fear into the hearts of others because they are meant to intimidate, to harass, to menace. When an angry man, a troubled man shot up a Jewish community center in Los Angeles, wounding teachers and students in a place that was supposed to be a sanctuary of protection, the man said that he had shot at these children because he wanted to send a message. He wanted to send a wake-up call to America to kill Jews.

Today, with this bill, we reject that message in the most powerful, most forceful way that we can. Today, we as a society can say that we will do everything we can to protect people from these heinous acts, that we will not rest until America is free of this violence.

This bill honors the victims of hate crimes, and it recalls their memory. It honors the memory of James Byrd who was dragged to death behind the pickup truck because the killers did not like the color of his skin. It honors Matthew Shepherd who was beaten with the butt of a gun and tied to a fence post and left to die in freezing weather because he was gay. It honors Ricky Byrdsong, a former basketball coach at my alma mater, Northwestern, who was gunned down on the street because he was black. It honors not only those victims, not just the high profile crimes, it honors all the people whose lives have been scarred by these acts, the victims who do not always make the headlines.

The hate crimes that we do not hear about deserve our strong response today. So today, let us take a stand against violence. We are voting to dedicate our national resource, to bring the strongest laws that we have to bear against the most sinister thing that we know. The Conyers motion is the only motion that will strengthen our existing laws, that will strike a real blow against hate.

Let me say this is a bipartisan effort. There is nothing partisan in this effort today. Republicans and Democrats are joining together. This issue transcends politics. It challenges us to look into

ourselves, to search our humanity and pass a law that I guarantee my colleagues will go down in the history books.

Virtually every major accomplishment that we pass ever in the history of this body has been bipartisan. This law, like the Civil Rights Act of 1965, will be a bipartisan blow against hate and violence.

This is a great country. We are so wealthy. But our greatest moments are not when we produce material wealth. Our greatest moments are when we as a people manage in the face of horrible tragedy to rise up to come together to take a simple stand for basic decency.

Give us this motion. Give us this law. Bring America up, rising up against hatred and against violence.

Mr. CONYERS. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from Michigan (Mr. BONIOR), the minority whip of the House.

Mr. BONIOR. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for his leadership and others for their leadership on this. I commend the gentleman from Missouri (Mr. GEPHARDT), our leader, for his statement.

This motion and this proposition received a strong bipartisan vote in the United States Senate. It is time that it received the same kind of bipartisan support in this House.

Now, we understand that no act of Congress can ever outlaw bigoted thoughts. But we also understand that, when hateful thoughts turn into hateful deeds, the Congress must act and act decisively. That is why this legislation is so necessary.

Today, even though the rate of most violent crimes is decreasing, the number of hate crimes is still alarmingly high. The FBI reported that, over the course of 1 year alone, in 1997, more than 8,000 hate crimes were reported in this country. We have just heard examples of them from our leader.

We have seen houses of worship burn, small children attacked, men and women murdered, murdered for their religion, murdered because of their ethnicity, murdered because of their gender, murdered for a whole host of reasons. For every act we hear about, every assault that is reported, there are many that pass unnoticed.

In fact, in my congressional district, just this last week, I learned of a man who was beaten so severely in an attack that he lost seven of his teeth and was hospitalized as a result of the beating. The reason was the fact that he was gay.

But despite their frequency and the fact that these crimes are intended to terrorize millions of Americans, too many in the law enforcement field lack the legal authority it takes to investigate and to prosecute them. That is why this legislation is important. That is what this legislation does. It corrects that inadequacy.

We cannot outlaw hatred, Mr. Speaker. We have a moral responsibility to stand up for those who could be its victims.

So I urge each and every one of my colleagues today to support the Conyers motion, and let us give this the bipartisan support that it deserves, the bipartisan support that it received in the other body.

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

Mr. Speaker, I rise in respectful opposition to the motion to instruct conferees. I think it is important to remember at this juncture that this provision is attached to the Defense authorization bill, and this is the Kennedy hate crimes legislation. It was not part of the House package. It was not considered in the House. I say that because I know that we do that in this body, where something is considered in the Senate, it is considered in the conference; but it certainly is something that has not been considered and debated in this body. I think that makes a difference as we consider this motion to instruct.

Let me first look at what this Kennedy amendment in the Defense authorization bill provides. It is the hate crimes amendment. It is what the motion to instruct binds this body to support in the conference. It, first of all, expands the protected groups to include gender, sexual orientation, or disability.

Now, what is important to remember is that we already have a Federal crime. There is a Federal crime to interfere with anyone's exercise of a federally protected activity. This could be voting, this could be traveling, interstate commerce, exercising any number of federally protected rights.

It is a Federal crime if those rights are interfered with because of race, because of color, because of religion or ethnicity. So that is the current state of the law. The Kennedy amendment would expand those protected rights to include other categories, as I mentioned, gender, sexual orientation, and disability.

The second point that needs to be made about the Kennedy amendment is that it makes it a Federal hate crime, and it creates the Federal hate crime and expands it without the requirement of a federally protected activity. This is a significant difference from the current law. What we need to remember is that this is a significant, substantial expansion of Federal jurisdiction over crime in our country.

It is not always wrong to expand Federal jurisdiction. As has been pointed out, we have done that from time to time in this body. But whenever we expand Federal jurisdiction, we should ask some basic questions. First of all, is this expansion constitutional? That is the responsibility we have. Secondly, if it is constitutional, is it necessary? Is there such a gap in the current law that this expansion is required? So we want to talk about those particular questions.

But before I do, I want to address what the minority leader spoke about, how this conduct of targeting minority groups or special groups because of a certain characteristic is intolerable in our society; and I agree with that completely.

In fact, when I was a United States Attorney, I had the responsibility that I did not ask for of prosecuting a hate group. That group was known as The Covenant, the Sword and the Arm of the Lord. It was in northern Arkansas. It was in my district.

That group, led by James Ellison, had targeted homosexuals. It had targeted minorities from Jewish Americans to African Americans. They had blown up a Jewish synagogue in Missouri. They had killed a pawnshop owner in Texarkana, Arkansas, because they perceived that he was Jewish. It was clearly a hate group. It was a hate group that had violated the law.

I prosecuted that group. At the same time I prosecuted them, they had targeted my family for assassination. So I know something about hate groups. I certainly have not been the victim of racial discrimination; I would never say that. But I know about hate groups.

From that experience, I see how wrong they are for society. I see the poison they are for the new generation coming up. We should do everything in our society that is appropriate, that we can stand against this. We should speak out against it. We should express outrage by it and prosecute them to the fullest extent of the law.

I would personally love to be a prosecutor that would go from jurisdiction to jurisdiction prosecuting hate groups and those that engage in hate crimes. I think we have to do that.

So with that background, I want to say that targeting any group because of race, gender, sexual orientation, religion, or disability should not be tolerated in any civilized society. But it should most certainly not be tolerated in the freest country in the world, the United States of America.

But then we come back to the first question, and that is, is this expansion of Federal jurisdiction constitutional?

□ 1500

We are all aware of the warnings that have been given by the United States Supreme Court. We recall the Lopez decision, which arose out of our expansion of Federal criminal jurisdiction to guns being found in school zones and we said that ought to be a Federal crime. The United States Supreme Court said, but even these modern-era precedents which have expanded Congressional power under the Commerce clause, confirm that that power is subject to outer limits.

The court has warned that the scope of the interstate commerce power must be considered in the light of our dual system of government and may not be extended so as to embrace effects upon interstate commerce, and they continue to warn the Congress of the United States to be careful that we do

not effectually obliterate the distinction between what is national and what is local and create a completely centralized government. That is a warning by the United States Supreme Court.

They also said in another case, we are also familiar with, in United States v. Morrison, something I believe in, which is an expansion of the Violence Against Women Act, to create a civil cause of action for criminal conduct that was engaged in because of someone's gender, which allowed them to bring a civil lawsuit.

The court struck that law down, as well, and said, ''The Constitution requires a distinction between what is truly national and what is truly local,'' obviously citing the Lopez case, ''and recognizing this fact, we preserve one of the few principles that has been consistent since the clause was adopted, the regulation and punishment of intrastate violence that is not directed at the instrumentalities, channels, or goods involved in interstate commerce has always been the province of the States.''

So clearly, we have some warnings from the Supreme Court. Is it constitutional? They have raised some questions about it.

The Washington Post, not exactly a conservative journal, editorialized and said, ''rape, murder and assault, no matter what prejudice motivates the perpetrator, are presumptively local matters in which the Federal Government should intervene only when it has a pressing interest. The fact that hatred lurks behind a violent incident is not, in our view, an adequate Federal interest.'' A constitutional warning by the Washington Post.

So certainly there should be some questions about is this the right direction to go constitutionally. Secondly, even if we say that it is, is it necessary?

I would point out, and I am pleased with this, that our Federal sentencing guidelines, based upon the direction given by the United States Congress, they have enhanced the penalties for hate crimes, but they have done it after the conviction when it is appropriate to consider the targeting of a minority group as a factor in increasing penalties.

This is what the Federal sentencing guidelines says: ''If the finder of fact at trial, the court at sentencing, determines beyond a reasonable doubt that the defendant intentionally selected any victim or any property as the object of the offense of conviction because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability, or sexual orientation of any person, the penalty should be increased by three levels.'' And, as we all know, that is a significant increase in the amount of time that they would be incarcerated.

So the current state of the law is that the targeting of these special groups is a significant Federal factor in enhancing punishment. That is right. That is appropriate. But that is a different scheme than making a special Federal statute that would give special protection to certain groups.

The second thing I would point out, is it necessary, is what are the States doing in the current prosecutorial scheme?

The minority leader mentioned the cries of the mother of Matthew Shepard, calling that this is not to be tolerated in our society and how we should honor the victims of violence. And we should honor them. But in Matthew Shepard's case, a homosexual college student, as my colleagues know, that was murdered in Laramie, Wyoming, it was a State court prosecution in which one the defendants pled guilty and got two consecutive life sentences. They might create a Federal hate crimes statute that they will not get any more than that. And the other could be facing the death penalty when it is tried in October.

Another one, the murder of James Byrd, a horrendous crime in Texas targeting an African American, it was a State prosecution in which the jury gave death by injection rather than life in prison. And so, it was the ultimate punishment that was meted out in this case under a State prosecution.

In Alabama there was a slaying of Billy Jack Gaither, who was beaten to death and then burned by kerosene-soaked tires. The men who murdered a homosexual over unwanted advances, that perpetrator will avoid the death penalty only because the family requested that the death penalty be waived. That was a State prosecution.

I could go on and on in which State prosecutions have been successful not in 40 years, not in 50 years, but in the maximum penalty in these particular cases.

True, and I am delighted, that in many of those instances Federal resources have been devoted to make sure that they were able to obtain the conviction of the perpetrator.

Finally, I would point out the testimony of a judge who testified in the Senate Committee on the Judiciary on this particular bill. In this case it was Judge Richard Arcara who testified in opposition to the hate crimes legislation; and he stated, ''The issue is not whether we are for or against the prosecution of hate crimes. All decent, right-thinking people abhor hate crimes. The real issue before you is whether the acts of violence covered by the proposed statute, which are already criminal offenses under State law and which may already be Federal crimes as well, are not being adequately prosecuted and punished at the present time.''

In other words, why is a new Federal statute needed?

And so again the question, is it constitutional; and secondly, if it is, is it necessary under the present circumstances?

The reason I bring these questions up is that my colleagues might conclude ultimately after we debate this that the answer is yes, yes and we need to do this, but is the appropriate time to consider it in a conference report which is not being considered by the House?

In fact, we are instructing the conferees to go to this particular Kennedy proposal when in fact there is also the Hatch proposal. Senator HATCH offered a proposal that was adopted as well and it addresses hate crimes, but it does it in this way: it creates more funding for the States and their prosecution of hate crimes, so it gives more resources and grants to the States.

The second thing it does, in a very thoughtful way, is that it creates a study to examine the efficacy of the current law. Do we really need it? Is it necessary? And this is another approach.

So I would say, let us do not bind our conferees that they have to go a particular direction. There are other options that should be considered.

So, my fellow colleagues, I believe that there are some important questions that say let us do not adopt this binding motion to instruct our conferees.

Finally, I think there is an issue of fairness that troubles some people. Should certain groups in America when it comes to crimes of violence be entitled to greater resources in investigation and different laws in the prosecution than other groups? This is fundamental. It is difficult because we all know that there is a problem in our society when we target minority groups or groups that are targeted because of disability or any other reason. They should be punished to the full extent of the law, and we need to send a signal to our society that it is not tolerable. But there are ways to send that signal rather than considering a massive expansion of Federal jurisdiction.

My colleagues, these are serious issues and I do not believe the right place to approach it would be in the conference. We need to come back and sort through each of these, as the Supreme Court has directed.

So I would ask my colleagues to oppose the motion to instruct.

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

Mr. CONYERS. Mr. Speaker, I yield myself 30 seconds.

Mr. Speaker, my friend from Arkansas (Mr. HUTCHINSON) mentioned the Laramie, Wyoming tragedy with Matthew Shepard.

Yesterday, here on the Hill, the police chief of Laramie, Wyoming, joined us in support of our hate crimes prevention act. He met with us yesterday.

I might point out that the National Sheriffs Association supports this motion to instruct and the International Association of Chiefs of Police supports this motion to instruct.

Mr. Speaker, I yield 1½ minutes to the gentleman form Missouri (Mr. Skelton), the ranking member from the Committee on Armed Services.

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

Mr. Speaker, I rise in support of the Conyers motion.

Our Nation has seen far too many cases of violent criminal acts related to prejudice, bigotry, and intolerance. Recently, the Federal Bureau of Investigation has reported a significant number of cases involving violence directed against a member of a religious, ethnic, disabled, race-based, or gender-specific association. Statistics show that nearly 8,000 such acts of violence have occurred annually since 1994.

Society cannot and should not tolerate the cowardly, mean-spirited, and hateful acts that we call hate crimes. Indeed, such hate-based acts have a deeper impact on society other than crimes. They are injurious to the community and are often committed by offenders affiliated with large, extended groups operating across State lines.

From my own observation, having been with numerous people who have, unfortunately, sustained physical disability, I have witnessed the ugly face of discrimination. I personally know the pain resulting from malicious acts and bigotry as it relates to disabilities. I wish to stress this point.

As a former State prosecuting attorney, I do not view this proposal lightly. Although the ability to prosecute crimes against individuals exists today, the Senate bill would provide prosecutors with more tools with which to fight crimes in which bias, prejudice, and discrimination are motivating factors.

I urge my colleagues to support the Conyers motion to instruct.

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

Mr. CONYERS. Mr. Speaker, I am delighted now to yield 2½ minutes to the gentleman from Virginia (Mr. SCOTT), the ranking subcommittee member that has handled this subject matter.

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

Mr. Speaker, I will be voting in favor of the advisory motion to the conferees on the Defense authorization bill, but I do so with some reservations.

I am in full support of legislation to punish hate crimes. Those crimes terrorize our community and they are different from other crimes, and they should be prosecuted vigorously and punished more severely.

However, as we enact hate crime legislation, we have to be careful to do so without impugning First Amendment freedoms and at the risk of skewing ordinary criminal penalties.

Hate crime provisions adopted by the Senate in its Defense authorization bill appear to allow evidence of mere membership in an organization and mere beliefs to be introduced in prosecutions for activities described in those provisions. We should have an amendment to prohibit the use of such evidence because allowing introduction of mere membership in an organization may be highly prejudicial and inflammatory to the jury.

Recent reviews of death penalty cases have revealed that many defendants who are factually innocent are convicted anyway. Telling a jury that a defendant belongs to an unpopular organization only increases the chance that the jury will decide the case based on emotion rather than the evidence. Evidence of motivation behind the crime ought to include something in addition to mere membership in an organization or beliefs.

In addition to the constitutional, Mr. Speaker, the provisions of the bill apparently allow a person guilty of what would ordinarily be simple assault and battery to receive a 10-year sentence if they can prove the appropriate motivation.

Mr. Speaker, this motion to instruct conferees is aimed at a Defense authorization bill that will be considered not by the Committee on the Judiciary, which ordinarily considers constitutional and criminal law implications in a bill, if we had considered the provisions in the Committee on the Judiciary, we could have considered the appropriate amendments to deal with the admission of evidence and could have ensured that the provisions were more proportional for the crime committed.

To address these issues, I have sent a letter to the chairman of the Subcommittee on Crime asking that he immediately schedule a hearing on hate crime legislation so that we can consider these issues in an intelligent and thorough manner.

This is a very important piece of legislation. We need hate crime legislation, but it has to be done right.

I will be voting for the amendment, with those reservations.

□ 1515

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

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from Wisconsin (Ms. BALDWIN), a distinguished member of the Committee on the Judiciary.

Ms. BALDWIN. Mr. Speaker, I rise in strong support of this motion. This provision would strengthen a Federal hate crimes statute that has been on the books for over 30 years. The 1968 law already covers hate crimes committed on the basis of race, religion, color, or national origin. This provision would add coverage for victims targeted for violence by virtue of their sexual orientation, gender, or disability.

We hear from opponents that every crime is a hate crime; that every act of violence is an act of hate, but since the founding of our country our judiciary system has weighed the element of intent in evaluating the severity of crime.

The thing that distinguishes hate crimes from other crimes is that hate crimes are intended to terrorize both the crime victim and the entire community that each victim represents. Wyoming is a long way from Wisconsin. Yet in the days and months that followed the murder of Matthew Shepard, I looked into many fear-filled faces and tear-filled eyes in my own community. These crimes do strike terror throughout the Nation.

Yesterday, I met Commander David O'Malley. He was the investigator in Laramie, Wyoming, and he came to Washington to support our passage of this motion. He said two things: one is that in starting out the investigation he really did not believe that hate crimes existed but, boy, did he learn during the course of his investigation that these are specific crimes, and he urged us to pass this motion.

Mr. CONYERS. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime of the Committee on the Judiciary.

Mr. MCCOLLUM. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding me this time.

Mr. Speaker, hate crimes are just plain wrong. They are crimes against an individual committed by somebody principally or solely because of race, religion, sexual orientation. They are committed not against the individual so much as against a class of people, and they tear at the very fabric of our society because they do that.

I cannot think of a more heinous crime that deserves any greater punishment than a crime committed for that reason. That is why for a long time I have been a supporter of hate crimes legislation that is now before us in this fashion today and why I strongly urge my colleagues to support this effort to instruct conferees in the only way that we can achieve this goal of putting into law a Federal provision that is overdue and needed in this case.

I can say not only about the Matthew Shepards of the world but I can say about cases in my own State, a young woman named Jody Bailey just last year, 20 years old, an African American shot to death simply because of her race, because she was dating a white person, bullets pumped into her car and she was killed for that reason alone. A young girl 6 years old, Ashley Mance, killed because a skinhead thought it was her race and it was not against her but against her race that he shot her.

We had another case in my home State involving several teenage men who killed a man brutally simply because he made a pass at them. That is wrong. That is not right, and the Federal law needs to be guaranteeing that somebody is prosecuted and given extra punishment on top of the underlying crime and the underlying punishment if one commits a crime principally for that reason; just as we have laws that say if someone commits a crime with a gun they get extra punishment on top of their underlying sentence for the underlying crime because it was committed with a gun.

I support both. I think they are reasonable messages and necessary messages to be sent out there. Unfortunately, even though most States have hate crimes laws there are a few that do not, and in those States that do not have hate crime laws that enhance these punishments for crimes solely or principally because of race or religion or sexual orientation or gender or disability, I believe in those States that do not have them or in those States where they are there and some law enforcement officer for whatever reason chooses not to prosecute, Federal prosecutors should have that authority; and that is what this provision gives them.

That is what the Kennedy provision, the Conyers provision gives them, one I support strongly.

It also is true that this legislation provides money, a grant program, to help assist those law enforcement communities that do have their own hate crimes laws to enforce them. There should be a clear and unequivocal message sent to anybody out there remotely contemplating a crime because they hate somebody because of their race, their religion, their sexual orientation. If they commit such a crime, they are going to get punished for a very, very long time; and there is a special place for them in the Federal prisons if the States do not do it.

Mr. Speaker, I strongly support the legislation before us and the motion to instruct conferees, and I encourage all of my colleagues to support it.

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

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Massachusetts (Mr. DELAHUNT), himself a prosecutor and member of the Committee on the Judiciary.

Mr. DELAHUNT. Mr. Speaker, my friend, the gentleman from Arkansas (Mr. HUTCHINSON), asked, Is this legislation necessary? And he points to the murder of Matthew Shepard in Wyoming who died for no other reason other than he was gay, and to James Byrd in Texas who died for no reason than because he was black, and I would add Joseph Ileto of California who died for no other than reason other than he was Asian. Is there a need? I submit there is a clear need.

When such actions take place in other countries, when individuals are persecuted because of their identity, whether it be racial or religious, our law, the United States law, recognizes this is no ordinary crime and grants them a remedy. We entitle them to petition for asylum. Why would we do less to protect our own citizens from the very same crimes?

Is there a need? Yes, there is a need. Some have said we should not pass this law because hate crimes are a local matter. Well, I agree, and I know that the authors of this legislation, this motion, also agree. The vast majority of those crimes are investigated and prosecuted at the State and local level. In this measure, if it is enacted, it will continue that same status quo. All this legislation will do is to ensure, when local authorities request assistance, or are unable or unwilling to act, Federal law enforcement agencies will have the ability to come to their aid. That is why the sheriffs of this country and the chiefs of police in this country support this legislation.

Support the motion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Maryland (Mrs. MORELLA), a leader in the Violence Against Women Act.

Mrs. MORELLA. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) for yielding. I thank him for offering what is an important motion to instruct the conferees in the DOD bill.

This, of course, was a separate bill to begin with. We do not have time to try to pass a separate bill. It is critically important that this Congress indicate their belief that hate crimes will not be tolerated and we will use all of the resources available to make sure that that is the case.

Hate crimes are different from other crimes. For example, just think of the situation of Matthew Shepard, Tony Orr, Timothy Beauchamp, James Byrd, the Jewish Day Care Center in Los Angeles. They affect not only the victim but an entire community.

The House Committee on the Judiciary held hearings back in August. The need has been there. We are all Americans. We cannot tolerate bigotry or hate in any way at all, and it is very important that we do pass this motion to instruct the conferees and show that we are Americans and we do care about each other.

So I ask this body to support it.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Mrs. MALONEY).

(Mrs. MALONEY of New York asked and was given permission to revise and extend her remarks.)

Mrs. MALONEY of New York. Mr. Speaker, I rise in strong support of this motion. We have waited much too long to strengthen hate crime laws. This motion will expand the definition to include crimes motivated by gender, sexual orientation, and disability among the list of crimes considered as hate crimes. If criminals are motivated by bias, then prosecutors should have the ability to seek a higher penalty.

I feel strongly about this because earlier this year over 50 women were beaten, surrounded, robbed, stripped in Central Park in my district. There is one thing all these victims had in common. They were from different countries, different ages, different races and religions but all of them were women. The mob went after these victims simply because they were women.

Hate crimes create a climate of fear that keep a particular class of people from participating fully in society. As Americans, we cannot let this stand. This motion also includes my bill, the Hate Crimes Statistics Improvement Act, that requires the FBI to gather statistics about gender-based hate crimes as well.

This is an incredibly important motion. We must all support it. It is important.

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

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentlewoman from Indianapolis, Indiana (Ms. CARSON).

(Ms. CARSON asked and was given permission to revise and extend her remarks.)

Ms. CARSON. Mr. Speaker, I thank the gentleman from Michigan (Mr. CONYERS) on his motion to instruct the conferees on H.R. 4205, urging us to adopt the Senate provisions on hate crimes, and I would certainly like to applaud those who have spoken in this effort prior to the time that I have been here.

Unfortunately, because leadership has had a strange hold on hate crimes legislation preventing its advancement in the House, I am questioning what it is that we are waiting for. I spoke at a vigil down the street at the Senate Park a couple of months ago on behalf of the family of Arthur Warren, AKA Jr., J.R., who was beaten by two 17-year-olds who had confessed to that first degree murder but a trial has not yet begun. Arthur was 26 years old. He was gay. He was beaten and ran over twice, several times, with an automobile and then taken across town and dumped out in the street.

This motion to instruct conferees is a vital effort, and if there is anything that this Congress should do prior to the adjournment, it would be to adopt the motion to instruct conferees of the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from New York (Mrs. LOWEY).

(Mrs. LOWEY asked and was given permission to revise and extend her remarks.)

Mrs. LOWEY. Mr. Speaker, I rise in support of this motion to instruct conferees. The American people have waited far too long for the passage of comprehensive hate crimes legislation, and we have an important opportunity today to show our support for this initiative. Each day we hear stories of hate groups actively recruiting members in our communities, often masking their hatred with religion. These groups incite the enmity and violence which tear at the very fabric of our society. The good news is that some States, like New York, have finally responded decisively to the destructive forces of hate-based violence. The bad news is that Congress has consistently squandered the opportunities we have had to address this phenomenon, dragging our feet while senseless hatred destroys communities throughout the country.

It is past time to hear the cries and appeals of the victims of hate crimes

and their families. We need to pass a Federal hate crimes law and give law enforcement officers the tools they need to fight these crimes. We need to pass comprehensive gun safety legislation, to keep dangerous firearms out of the hands of people who will perpetrate hate-based violence. We need to invest in the education of our children to teach them by example to embrace the diversity of our society. We need to find a way within constitutional bounds to diminish the damaging effects of hate speech in our communities; and we need to do it now, before one more person among us has to mourn the loss of a loved one to a senseless hate crime. Inaction in the face of this tragic, dangerous trend is indefensible.

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

Mr. Speaker, I just wanted to jump into this particular point in the debate. It is just amazing how much we agree upon. We are expressing outrage about hate crimes, and I tried to express that same outrage when I was a Federal prosecutor. I certainly have tried to express it in the United States Congress. I know that those in the State legislature and here in our national body we all are looking for ways to express our outrage of this. I think we are doing it fairly effectively. This debate is a means of doing that.

□ 1530

Mr. Speaker, there is really broad agreement, when we say it is intolerable in our society for someone just because they are African American or just because they are Jewish that they be targeted or just because of their sexual orientation. It is abhorrent in our society that they be targeted because of those characteristics, so we need to stand against this at every possible opportunity.

I think the debate, though, and really the sense of disagreement is whether we want to have a Federal concurrent jurisdiction for virtually all violent crime similar to the way we do it with our drug war.

Right now, if anyone has any drug offense, it can be brought into State court or Federal court, it is totally concurrent jurisdiction. And basically you are going to have a review of all violent crime to see if it was motivated by one of these biases that is referred to that covers a special category. If it was a perceived special category, and that is always going to be reviewed and as the gentleman from Virginia (Mr. SCOTT) appropriately made the expression of concern, that are we going to be examining everyone's thought. I think the gentleman says that we need to really look at this very carefully. He has some reservations about it.

The reservations that the gentleman raised are reservations that some on this side have as well. And as the minority leader said, it is not a partisan issue. It is really a question here of approach, and the direction that we are going to go in our Federal law enforcement.

And I just wanted to say that I agree with much of what is being said today, and the terribleness in our society of crimes against particular groups. I think it is just simply a matter of a different approach that I would take, and we need to look at this very, very carefully.

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

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the Conyers motion to instruct conferees on the Defense Department authorization bill to recede to the Senate position and retain the inclusion on the Local Law Enforcement Enhancement Act, which is the Senate's version of H.R. 1028, the hate crimes legislation.

Now, I notice some people believe that hate is not an issue when prosecuting a crime. They say our laws already punish the criminal act and that our laws are strong enough. I answer with the most recent figures from 1998 when 7,755 hate crimes were reported in the United States.

According to the FBI, hate crimes are under reported, so the actual figure is much higher. And I say to my colleagues, penalties for committing a murder are increased if the murder happens during the commission of a crime. Murdering a police officer is considered first degree murder, even if there was not premeditation. Committing armed robbery carries a higher punishment than petty larceny.

There are degrees to crime and committing a crime against somebody because of their race, color, sex, sexual orientation, religion, and ethnicity or other groups should warrant a different penalty. These crimes are designed to send a message. We do not like your kind, and here is what we are going to do about it.

So why cannot we punish crimes motivated by hate differently than other crimes?

I believe we must stand up as a Congress and as a country to pass hate crimes legislation to make our laws tougher for the people who will carry out these heinous acts.

Mr. HUTCHINSON. Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. HULSHOF), certainly his expertise as a State prosecutor is meaningful.

Mr. HULSHOF. Mr. Speaker, I thank the gentleman for yielding the time to me and certainly appreciate the tenor of the debate, especially hearing the experiences of my friend, the gentleman from Arkansas (Mr. HUTCHINSON) and his experiences as a Federal prosecutor.

Before coming to this body, I began my legal career as a court-appointed public defender, and one of the last cases I had the occasion to defend was a murder case. My client was an African American who was facing the death penalty. Shortly, thereafter I switched sides in a courtroom and began prosecuting criminal cases and handled some 16 death penalty cases throughout the State of Missouri.

I have heard these very powerful testimonials from all Members, including my colleague, the gentleman from Missouri, who spoke at the beginning in favor of Mr. CONYERS' motion. I, too, have held the hands of family members who have been murdered, the mothers and wives as we waited for juries to return with their verdicts, and wondering whether or not the State's cases prevail and often they did.

But I agree also with the gentlewoman from Wisconsin. My experience has shown that all murder cases are hate crimes, and what I think we are attempting to do today is really legislate by headline. The fact that the tragedy that occurred to the Matthew Shephard family, the killers of Matthew Shephard deserve, in my estimation, the death penalty not because of who he is or what sexual preference he had, but because the facts fit the case.

The murder of James Byrd down in Texas that has been referred to, his killers, in my estimation, deserve justice throughout the death penalty, not because of who he was or the color of his skin, but because the facts fit the case.

In the earlier debate, and I was listening to my colleague from Massachusetts (Mr. FRANK) in the debate with the gentleman from South Carolina (Mr. GRAHAM), if there are prosecutors or police across this Nation that are not aggressively enforcing existing law, then we should focus there, and yet I believe that as the gentleman from Arkansas (Mr. HUTCHINSON) mentioned, we are attempting in essence to criminalize abhorrent but lawful thought, and I think that is a step too far, especially having been one who served in State courts in Missouri.

I think, Mr. Speaker, when I reference the criminal justice system and conjure up the image of all of those cases that I had the opportunity to participate in, I think of the Goddess of Justice. There is a statue just across the street depicting the Goddess of Justice and she stands there with scales in one hand and blindfold across her eyes, and I think the thought and the symbolism is that decisions that are made in our courtroom should be made not based on prejudice or not elevating one group over another, but should be applied consistently, and because of that, then I ask for a no vote on Mr. Conyers' motion.

Mr. CONYERS. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, first, I want to congratulate the gentleman from Arkansas (Mr. HULSHOF) and, finally, finding someone to come, give him a little relief. He was

looking awfully lonely. The relief falls a little short.

First, the gentleman from Missouri said, we are criminalizing abhorrent thought, no not anything in here comes remotely close to criminalizing thought, nothing is criminal under this bill, unless you hit somebody, shot somebody, stabbed somebody, there is nothing in this bill that criminalizes thought, the right to burn crosses and engage in hate speech, first amendment protected, remains totally undiminished.

Secondly, the gentleman said, I mentioned places where there are prosecutors and police who are not fully enforcing the law, fortunately a small minority against particular groups, and he says focus on them. Kill this bill and you cannot focus on them. That is what the bill does.

This bill does not generalize a Federal criminal presence. It gives the Attorney General the right in a restricted set of circumstances to enter into prosecutions, and we envision the circumstance would be where a vulnerable group was being victimized and was not getting the protection. So without this legislation, we cannot do what the gentleman from Missouri says we should do, focus on those situations.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the gentleman from Missouri (Mr. CONYERS) for yielding me the time and thank him for offering this motion to instruct conferees.

By doing so, under his leadership, he gives this body today a great opportunity, an opportunity to say that hate crimes have no place in our country. The gentleman from Missouri (Mr. HULSHOF) argued that there is no need for a Federal hate crimes legislation, because assault and murder are already crimes.

However, the brutality of these hate crimes speaks to the reality that whether a person is targeted for violence, because of his or her sexual orientation, race or other group membership, the assailant intends to send a message to all members of that community. The message is, you are not welcome.

The effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans, all Americans have a right to feel safe in their communities.

This bill counters this message of intimidation. This motion to instruct sends a strong statement that our society does not condone and will not tolerate hate-based crimes. Passage of this motion to instruct would not end hate-based violence, we know that, but it would allow the Federal Government to respond and take action.

Mr. Speaker, I urge my colleagues to vote yes on the motion to instruct. It is necessary, Mr. Speaker, because these tragic murders and the sufferings that were, for example, experienced by the Byrd family and the family of Matthew Shephard have experienced are not isolated incidences.

According to the FBI, 87 incidences of hate crimes based on race, religion, national origin or sexual orientation took place in 1996 alone. There is a need for this. I urge my colleagues to support the motion to instruct.

Mr. Speaker, in recent years we have mourned the deaths of Matthew Sheppard, a gay college student in Wyoming, and James Byrd, an African-American man in Texas. These brutal killings are reminders of the violence and harassment that millions of Americans are subjected to simply because of their sexual orientation, race, religion, or other group membership.

I had the privilege of introducing members of each of their families at the Democratic National Convention last month. There they spoke movingly of their slain loved ones and the impact that crimes motivated by hate have on families and communities.

These tragic murders and the suffering that these two families have experienced are, unfortunately, not isolated incidents. According to statistics kept by the National Coalition of Anti-Violence programs, 29 Americans were murdered in 1999 because they were gay or lesbian and there were more than 1,960 reports of anti-gay or lesbian incidents in the United States, including 704 assaults. And according to the Federal Bureau of Investigation, in 1966 there were over 8700 reported incidents of hate crimes based on race, religion, national origin, or sexual orientation. Crimes based on hate are an assault on all of us, and we must take stronger measures to prevent and punish these offenses.

Opponents of this measure have argued that this is an issue that should be left to the states. However, Congress has passed over 3000 criminal statutes addressing harmful behaviors that affect the Nation's interests, including organized crime, terrorism, and civil rights, violations. Thirty-Five of these laws have been passed since the Republicans took control of Congress in 1995.

Others have argued that there is no need for federal Hate Crimes legislation because assault and murder are already crimes. However, the brutality of these crimes speaks to the reality that when a person is targeted for violence because of their sexual orientation, race, or other group membership, the assailant intends to send a message to all members of that community. That message is you are not welcome.

The effort to create an atmosphere of fear and intimidation is a different type of crime, and it demands a different kind of response. All Americans have a right to feel safe in their community.

The Local Law Enforcement Enhancement Act of 2000 counters this message of intimidation with a strong statement that our society does not condone and will not tolerate hate-based violence. In addition, passage of this legislation will increase public education and awareness, increase the number of victims who come forward to report hate crimes, and increase reporting by local law enforcement to the FBI under the Hate Crimes Statistics Act.

In addition to a bipartisan group of 192 House sponsors, this bill is supported by 175 civil rights, religious, civic and law enforcement organizations, including the National Sheriff's Association, the Federal Law Enforcement Officers Association, the Hispanic National Law Enforcement Association, the National Center for Women and Policing, and the National Organization of Black Law Enforcement Executives.

Hate crimes take many forms and affect many different kinds of victims. As a Member of Congress who has the privilege of representing a district with a large number of gay and lesbian people, I find it interesting when I hear people talk about tolerance for gay and lesbian people because in our community the issue of tolerance was resolved long ago. We not only tolerate our gay and lesbian friends and neighbors, we take great pride in them and in the contribution that they make to our community in San Francisco, indeed to our great country.

Murders and assaults that target African-Americans, Jewish-Americans, Hispanics, Gays and Lesbians, or any other group are the manifestation of enduring bigotry that is still all too prevalent in our society. Passage of this bill would not end all violence against these communities. But it would allow the Federal Government to respond and take action by investigating and punishing the perpetrators of crimes motivated by hate. I urge my colleagues to vote yes on the motion to instruct.

Mr. CONYERS. Mr. Speaker, I yield 1½ minutes to the gentleman from Georgia (Mr. LEWIS), the deputy whip on the minority side.

Mr. LEWIS of Georgia. Mr. Speaker, I want to thank my friend and colleague, the gentleman from Missouri (Mr. CONYERS) for yielding the time to me.

Mr. Speaker, I rise in support of the motion to instruct conferees. Hate is hate. Hate is hate. It is based on race, on color, on religion, national origin or sexual orientation. No one, but no one is born hating. Little babies do not know hate.

They do not know sexism. They do not know racism, but our society will change the little babies before they become adults. We teach people how to hate, to hate someone because of their color, because of their race, because of their religion, because of their sex or sexual orientation.

As I said before, nobody, Mr. Speaker, is born hating, but too many people in our society grew up hating, and they get involved in hate crime against someone because of their religion, because of their color, because of their sex or sexual orientation. There is no room in our society to hate or be violent towards someone because of their race, their color, their national origin, their religion or sexual orientation.

With this legislation, Mr. Speaker, we will send a strong and powerful message that we are one family, one people, one Nation. I urge all of my colleagues to support the motion to instruct conferees.

Mr. CONYERS. Mr. Speaker, I yield 30 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, I want to return to the allegation that this criminalizes thought.

Here is the operative phrase which controls any new crime, whoever willfully causes bodily injury to any person or through the use of fire, a firearm or an explosive or incendiary device attempts to cause bodily injury to any person.

Absent that phrase, there is no crime committed, so this only applies by its explicit language to actual injury or attempts to injure with a fire or firearm or an explosive or incendiary device.

Mr. HUTCHINSON. Mr. Speaker, I yield 30 seconds to the gentleman from Missouri (Mr. HULSHOF).

Mr. HULSHOF. Mr. Speaker, my response to the gentleman from Massachusetts (Mr. FRANK) would be that if the bias of an accused defendant is made relevant then would not the gentleman agree that any statements, any writings, any thoughts, any spray painted slurs, any of these constitutionally protected, although abhorrent statements, would then be part of the criminalization of the act?

Mr. CONYERS. Mr. Speaker, I yield 15 seconds to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. Mr. Speaker, there has to be a prior physical criminal assault on someone else. Then when you get to the sentencing and you get to the decision about punishment, you can take into account motive. Yes, I would agree with the gentleman, you can take into account motive and motives that are sometimes constitutional when they are part of a crime can be punished.

□ 1545

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

Mr. Speaker, if the ranking member is prepared to close, I will go ahead and finish as our final speaker.

Mr. Speaker, I wanted to come back to this debate; and, again, in listening to some of the arguments that have been made, I noticed that the gentleman from Michigan (Mr. CONYERS) referred to the police chief in Laramie, Wyoming, who supports this legislation. In fact, the police chief of Laramie, Wyoming, was concerned about the burden on the State as to how much it costs in the prosecution. He needed financial help. It was not a matter that the case was not adequately investigated or prosecuted, because, again, a life sentence was meted out. It is the burden on the States because of these prosecutions in hate crimes.

Again, this is a Department of Defense authorization bill. This is in conference on a Kennedy amendment that has not been considered in this body. The question is, when there is the Senator Hatch proposal that would provide grants to the States that would address the concern of the police chief of Laramie, Wyoming, perhaps that is the best way to go.

What is missing in this debate is the answer to the two questions that I raised: Is it constitutional, and is it necessary? I listened to every speaker on this side, and I did not see a recitation of where the constitutional basis is and how we respond to the Supreme Court when they cautioned this body in saying that every crime cannot be a Federal crime. Again, quoting the Supreme Court: ''Indeed, we can think of no better example of the police power which the Founders denied the national government and reposed in the states than the suppression of violent crime and vindication of its victims.'' So I do not believe that has been answered. Where is the constitutional basis?

The second question that I raised is, Is it necessary? Not one case has been cited by my friends from the other side of the aisle in which there was a hate crime in the States that was not investigated and not prosecuted. No case has been cited.

Now, the gentleman from Massachusetts (Mr. DELAHUNT) referred to a couple of cases in which there is a need because there was a hate crime. Well, the end of the story is that the States prosecuted, they got the life sentence, they got a death sentence. Every witness, every witness that was called in support of hate crimes legislation before the Senate committee or the House committee, were victims or family members of a victim of a hate crime. It has been vindicated with the maximum penalty of the prosecution under State law.

So for this massive expansion of Federal jurisdiction, is it a constitutional basis? Is it necessary? I appreciate the frankness of the gentleman from Virginia (Mr. SCOTT), the ranking member on the Subcommittee on Crime. I was aware of the letter that the gentleman wrote to the gentleman from Florida (Mr. MCCOLLUM), the chairman of the Subcommittee on Crime, in which he expressed concern from a constitutional standpoint about the issues that were debated by the gentleman from Missouri, about whether this is going to require evidence of membership, because you have to prove the motivation being a hate crime against a particular group. So the issue will be membership in organizations.

There is a question that has been raised by civil libertarians about that, and also some other questions raised, and ultimately they asked for more hearings. In other words, let us proceed through. Now that we have the support of the chairman of the Subcommittee on Crime, surely we can consider this legislation, consider the amendment, consider what is the best approach, rather than requiring our conferees on a defense authorization bill, where they do not have the expertise of the Committee on the Judiciary to debate this issue. That is simply what I am asking my colleagues.

We are in great agreement that this is intolerable, targeting particular groups in our society. We are in agreement on that. It is simply a question of what is the right approach. I believe the right approach is not directing our conferees to adopt a particular approach on the defense authorization bill. I ask my colleagues to oppose this motion to instruct.

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

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

Mr. Speaker, I want to thank all of the Members that have participated in this debate, and particularly the floor manager, the gentleman from Arkansas (Mr. HUTCHINSON). I think we have been exhaustive on this subject and have moved in a very important way.

The reason this debate has been as long as it has is because we have had one motion to instruct, the Graham motion, which was turned away, and now we have mine, which I hope will be accepted.

The reason is that it is unrefuted that many of the crimes with which we are concerned are never prosecuted. Sometimes it is because the State and local authorities do not have the resources, but other times it is because they do not have the will. But the bottom line is that these crimes often go unpunished. Today we are asking our colleagues to go on record as to whether or not they will support a Federal law to ensure that these crimes be prosecuted, but only when the State legal system breaks down. Many State officials have asked for Federal legislation so that they can get help from Federal authorities in handling these crimes because of the complexity of the cases and because many of the purveyors of hate operate across State lines.

Many of us in the House have already been on record supporting Federal criminal laws that are based on discriminatory acts. My earlier bill of several years ago, the Church Arson Act, is just the most recent instance of what Members in this House have already voted for. This measure soon to come up, the hate crimes bill from the Senate, follows that same pattern.

Mr. Speaker, with the equal protection promise of the reconstruction amendments in the 19th century, the Federal Government assumed the duty to ensure that all Americans are protected from violence aimed at them simply because of who they are or how they lead their lives. So this is not a usurpation of State authority. It is a backstop, and when the State system does not work, that is when this hate crimes law would kick in.

Mr. Speaker, it is consistent with the rich civil rights tradition that goes all the way back to the 1930s when the late Dr. W.E.B. duBois and Ida B. Wells, an African American civil rights fighter before her time, supported the NAACP anti-lynching laws, which have now been extended through the Hate Crimes Act. We studied the 1938 Senate filibuster on anti-lynch laws which went down. It was defeated in the face of many of the same arguments that are

being made today by opponents of this legislation.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

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

POINT OF ORDER

Mr. HUTCHINSON. Mr. Speaker, I make a point of order.

The SPEAKER pro tempore (Mr. SIMPSON). The gentleman will state his point of order.

Mr. HUTCHINSON. Mr. Speaker, it was my understanding that we would close, so I closed. It was my understanding that the gentleman from Michigan (Mr. CONYERS) was going to close on behalf of his position.

Mr. CONYERS. Mr. Speaker, if the gentleman will yield, I was yielding pursuant to a request to yield. If it is the gentleman's insistence, though, that I do not do it, I withdraw it.

Mr. HUTCHINSON. Mr. Speaker, if it is for a unanimous consent request for submitting a statement, there is certainly no objection.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentleman yield?

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

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for yielding.

First, the gentleman made a very important point, and I do have a unanimous consent request. I am sorry that the gentleman from Arkansas wants to narrow the debate and not allow us to yield. But I would ask unanimous consent for this Congress to do the right thing and to support the motion to instruct by the gentleman from Michigan (Mr. CONYERS) so that we can have a Federal backstop to stop the killing and to stop the hate.

Mr. CONYERS. Mr. Speaker, reclaiming my time, this measure continues the great struggle for equal justice of all Americans that started in the 1930s with the anti-lynch laws. It has been refined, it has been expanded, it has had a constitutional basis that has been very deeply rooted, and I urge and thank all of the Members who will support this motion to instruct.

Mr. POMEROY. Mr. Speaker, I rise in support of the Conyers motion to instruct conferees on the Defense Authorization bill. This motion would direct conferees to agree to the federal hate crimes provision contained in the Senate version of this bill. This provision preserves the principle of federalism while recognizing the national imperative to prevent violent crimes motivated by prejudice.

The Hate Crimes Prevention Act (HCPA) would provide new protections for individuals who are victims of violent crimes solely because of who they are. Specifically, it would strengthen the existing definition of a federal hate crime to include crimes motivated by the victim's gender, sexual orientation, or disability. I believe that this legislation would increase public education and awareness of these crimes, encourage more victims to come forward and seek justice, and perhaps most importantly, demonstrate the federal government's clear resolve to prosecute these crimes to the fullest extent of the law.

Some of my colleagues have argued that federal hate crimes legislation is unnecessary. In making this argument, they cite the case of Matthew Shepard, a college student brutally murdered in Laramie, Wyoming. They state that justice has already been served; Matthew Shepard's killer has already been sentenced to life in prison without parole. What they don't tell you is that because Matthew Shepard's murder is not considered a federal hate crime, Laramie law enforcement officials had to furlough five officials to help cover the cost of prosecuting this crime. Under HCPA, by contrast, Matthew Shepard's grieving family would have had the benefit of additional resources under federal law, easing the burden on local law enforcement officials.

Mr. Speaker, by voting in favor of this motion to instruct conferees, we have the opportunity to provide all Americans with additional protection from violent crimes. The vast majority of hate crimes will still be prosecuted in state court. The federal Hate Crimes Prevention Act provides important protections to victims of violence, protections that supplement, not supplant, those available to victims in state courts. I urge my colleagues to support the Conyers motion.

Ms. SCHAKOWSKY. Mr. Speaker, I am proud today to stand with so many of my colleagues to urge support for comprehensive hate crimes legislation. I would also like to thank Mr. CONYERS for his outstanding leadership in this area. His unwavering support and dedication to advancing civil rights has been a beacon for us all.

I hope my granddaughters Isabel and Eve never know of violence motivated by bigotry and hate. Today we have the opportunity to strengthen our hate crimes prevention law by expanding the definition of a ''hate crime'' to include sexual orientation, as well as gender and disability. These crimes tear at the fabric of our society and insidiously erode our principles of tolerance and diversity. Before this Congress adjourns for the year, we must send a loud message that the safety of all people is paramount and anyone who commits a crime based on bigotry and hate will be prosecuted to the fullest extent of the law.

I don't want to be the one to explain to Ricky Byrdsong's widow that he did not deserve protection because he was killed walking outside of his house rather than while he was engaged in a ''federally protected activity.'' And I don't want to be the person who has to explain to the family of Matthew Shepard why this Congress was unable to pass tougher laws that punish people who commit crimes based on sexual orientation. The Byrdsong and Shepard families are not alone. For every high profile, heinous hate crime that makes it to the forefront of our national consciousness, hundreds and thousands of nameless victims and families have been targeted simply because of their gender, sexual orientation and disability.

Since 1991, 60,000 hate crimes have been reported to the FBI and in 1998 alone, there were close to 8,000 hate crimes reported, almost one every hour. Many argue that hate crimes cannot be separated from other crimes. This is just untrue. Hate crimes are violence targeted at individuals simply because of who they are. Perpetrators are motivated by hate and their actions are intended to strike fear into an entire group of people. We know that individuals are targeted because of their sexuality, disability, and gender just as often as because of their race, religion, and national origin, and our hate crimes prevention legislation must be expanded to protect them too.

What is the lesson we are teaching our children and what legacy will I leave my granddaughters if we don't pass laws that protect all of our citizens? If we fail, we will be turning our backs on our citizens. Should we succeed, we will be sending a clear message to all that we will not tolerate bigotry and hate. We have a choice, Let us choose wisely.

Mr. WEXLER. Mr. Speaker, we are committed to defending this country against all enemies, foreign and domestic. We must ask the question, who or what is our enemy? What is the greatest threat to our democracy? Mr. Speaker, our domestic enemies are hatred and intolerance. And hate manifests itself in many ways. Hate can provoke terrorists to commit unconscionable acts against innocent victims. Hate can provoke rogue leaders to persecute and intimidate members of an ethnic or religious group. And hate can provoke fearful and desperate people to terrorize whole communities by committing hate crimes.

We must take action. We must protect our country against terrorist acts, we must protect ethnicities from genocide, and we must protect vulnerable communities from hate crimes. When a person terrorizes another, that person is guilty of a crime. When a person terrorizes a community, that person is guilty of a hate crime. Whether the community is a religious one, an ethnic one, or one of sexual orientation, it deserves protection.

The nation was shocked at the murders of Matthew Shepard and James Byrd, Jr., as well as the vile and senseless nature of the attitudes which prompted these crimes. Many more hate crimes occur throughout the country that do not receive the level of publicity of the Shepard and Byrd murders. We must work together to eliminate the underlying prejudices which kindle the hatred inherent in these crimes. We must also give our prosecutors the laws and resources they need to properly bring justice to the victims. Let me say again, hate crimes do not just victimize a person, they also terrorize a community. That is why they deserve recognition in the law for what they are—crimes that victimize a community.

We must also be cognizant of protecting all vulnerable groups. Gender, sexual orientation, and disability should be included along with race, color, religion, and national origin as human characteristics which are subject to hate crimes and attacks and should receive the same federal protections.

I ask that you support Congressman CONYERS' motion to instruct conferees to include the Hate Crimes Act in the Defense Authorization bill.

Mr. BARR of Georgia. Mr. Speaker, I stand before you today to oppose Representative CONYERS' motion to instruct which purports to include the Kennedy hate crime language in H.R. 4205.

So-called ''hate crimes'' legislation is discriminatory on its face. In a nutshell, such legislation treats crimes against certain classes of persons more severely than those same crimes if they were committed against another class of persons. This is clearly not ''equal justice under the law.''

All crimes are crimes of hate. Whenever a person harms another, there is hate. Should we enact federal legislation to punish hate directed towards one person more severely than hate directed against another, merely because of the victim's classification? I do not believe so.

Under our present laws, the killers of James Byrd and Matthew Shepard (crimes which would have fallen under the Kennedy hate crimes provision) were severely punished for their illegal and gruesome crimes. James Byrd's killer was sentenced to death, and Matthew Shepard's killer was sentenced to two life sentences without the possibility of parole. These and other heinous crimes are prosecuted, and the perpetrators punished; under existing laws. People who commit such crimes are not going unpunished. Current federal and state laws are effective, and they are being used. There is no void here that new, ''hate'' legislation is needed to fill. Moreover, the effect of this legislation, were it to be enacted, might have the opposite effect to that intended by its proponents. By making the prosecutor's job more complex, and forcing prosecutors to prove additional elements of a ''hate'' offense, and not defining adequately the terms in these laws, such prosecutions would be rendered more difficult than prosecutions under current laws.

However, this deficiency apparently won't slow down the political agenda at work here.

Including this bill in the Defense Reauthorization bill would clearly be putting the value of one life over and above another. Let us not send that type of signal to our citizens. All life is valuable and should be protected, equally.

Vote no on Representative JOHN CONYERS' motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Michigan (Mr. CONYERS).

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

Mr. HUTCHINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 232, nays 192, not voting 9, as follows:

[Roll No. 471]

YEAS—232

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldacci
Baldwin
Barrett (WI)
Bass
Becerra
Bentsen
Berkley
Berman
Biggert
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Bono
Borski
Boswell
Boucher
Brady (PA)
Brown (FL)
Brown (OH)
Capps
Capuano
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Crowley
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
English
Etheridge
Evans
Farr
Fattah
Filner
Foley
Forbes
Ford
Frank (MA)
Frelinghuysen
Frost
Gallegly
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Green (TX)
Greenwood
Gutierrez
Hall (OH)
Hastings (FL)
Hill (IN)
Hilliard
Hinchey
Hinojosa
Hoeffel
Holden
Holt
Hooley
Horn
Houghton
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E.B.
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
Kleczka
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Larson
LaTourette
Leach
Lee
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Millender-McDonald
Miller, George
Minge
Mink
Moakley
Mollohan
Moore
Moran (VA)
Morella
Murtha
Nadler
Napolitano
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Price (NC)
Quinn
Rahall
Rangel
Regula
Reyes
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schakowsky
Scott
Serrano
Shaw
Shays
Sherman
Shimkus
Sisisky
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Spratt
Stabenow
Stark
Strickland
Stupak
Tauscher
Thompson (CA)
Thompson (MS)
Thurman
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Visclosky
Walsh
Waters
Watt (NC)
Waxman
Weiner
Weller
Wexler
Weygand
Wise
Woolsey
Wu
Wynn

NAYS—192

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bereuter
Berry
Bilirakis
Bliley
Blunt
Boehner
Bonilla
Boyd
Brady (TX)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth-Hage
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Cubin
Cunningham
Davis (VA)
Deal
DeLay
DeMint
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Everett
Ewing
Fletcher
Fossella
Fowler
Ganske
Gekas
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green (WI)
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (MT)
Hilleary
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Isakson
Istook
Jenkins
John
Johnson, Sam
Jones (NC)
Kasich
King (NY)
Kingston
Knollenberg
Largent
Latham
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Lucas (KY)
Lucas (OK)
Manzullo
Martinez
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ose
Oxley
Packard
Paul
Pease
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryan (WI)
Ryun (KS)
Salmon
Sanford
Scarborough
Schaffer
Sensenbrenner
Sessions
Shadegg
Sherwood
Shows
Shuster
Simpson
Skeen
Smith (MI)
Smith (TX)
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Sweeney
Talent
Tancredo
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Thune
Tiahrt
Toomey
Traficant
Vitter
Walden
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)

NOT VOTING—9

Campbell
Engel
Eshoo
Franks (NJ)
Gilchrest
Klink
Lazio
Reynolds
Vento

□ 1631

Mr. BLILEY changed his vote from ''yea'' to ''nay.''

Mr. CLYBURN changed his vote from ''nay'' to ''yea.''

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 against:

Mr. CAMPBELL. Mr. Speaker, I regret that I was not present for rollcall vote No. 471 because I was unavoidably detained. Had I been present, I would have voted ''no.''

COMMUNICATION FROM THE HONORABLE MATTHEW G. MARTINEZ, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. SIMPSON) laid before the House the following communication from the Honorable MATTHEW G. MARTINEZ, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 27, 2000.

Hon. JEFF TRANDAHL,
Clerk, U.S. House of Representatives, H–154, Capitol, Washington, DC.

DEAR MR. TRANDAHL: Effective July 26, 2000, please change my party designation on your official records and databases to ''REPUBLICAN.''

Your assistance is appreciated.

Sincerely,

MATTHEW G. MARTINEZ,
Member of Congress.

COMMUNICATION FROM THE HONORABLE MARTIN FROST, CHAIRMAN, DEMOCRATIC CAUCUS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARTIN FROST, Chairman of the Democratic Caucus:

DEMOCRATIC CAUCUS,
HOUSE OF REPRESENTATIVES,
September 13, 2000.

Hon. DENNIS HASTERT,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to notify you that the Honorable Matthew Martinez of

California has resigned as a Member of the Democratic Caucus.

Sincerely,

MARTIN FROST,
Chairman.

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2000.

Hon. WILLIAM F. GOODLING,
Chairman, Committee on Education and the Workforce, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Matthew G. Martinez's election to the Committee on Education and the Workforce has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

COMMUNICATION FROM THE SPEAKER

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

OFFICE OF THE SPEAKER,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, September 13, 2000.

Hon. BENJAMIN A. GILMAN,
Chairman, Committee on International Relations, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: This is to advise you that Representative Matthew G. Martinez's election to the Committee on International Relations has been automatically vacated pursuant to clause 5(b) of rule X effective today.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the foregoing communications, the party affiliation of Representative MARTINEZ has been switched for informational voting record purposes and his committee memberships have been vacated.

Had the foregoing communication of July 27, 2000, from Representative MARTINEZ to the Clerk been laid before the House at that time, the party affiliation for voting informational purposes would have been changed or, as has been the case in the past, the process would have been timely noticed in writing to the chairman of the Democratic Caucus who, in turn, would notify the Speaker by letter pursuant to clause 5(b) of rule X.

HONORABLE MATTHEW MARTINEZ JOINS REPUBLICAN CONFERENCE

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

Mr. MARTINEZ. Mr. Speaker, on July 26, 2000, I participated in the House Republican Conference as a Republican.

The next day I asked the Clerk of the House to change my party designation on his official records and database to Republican.

I have also notified the chairman of the Democratic Caucus of my resignation of the caucus and my desire to be a member of the Republican conference.

Mr. Speaker, I ask unanimous consent that all records of the House as of July 26, 2000, reflect my voting status as a Republican.

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

There was no objection.

PRESIDENTIAL TRANSITION ACT OF 2000

Mr. HORN. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from the further consideration of the bill (H.R. 4931) to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

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

Mr. TURNER. Mr. Speaker, reserving the right to object, and I do not plan to object, but I yield to the gentleman from California (Mr. HORN) for a brief explanation of the bill.

Mr. HORN. Mr. Speaker, I thank the gentleman from Texas for yielding to me. Mr. Speaker, the ranking member has been just inestimable in terms of all the help he has provided us on this and other pieces of legislation.

Mr. Speaker, H.R. 4931, the Presidential Transition Act of 2000, represents a bipartisan effort to update the Presidential Transition Act of 1963. H.R. 4931 would allow transition funds to be used for a formal training and orientation process for incoming appointees to senior administration positions, including cabinet members.

On November 2, 1999, the House passed a bill with similar provisions, H.R. 3137, by a voice vote under suspension of the rules.

On June 8, 2000, Senator FRED THOMPSON from Tennessee introduced a companion bill, S. 2705, the Presidential Transition Act of 2000. The Senator added some well thought out provisions that call for study and proposals to improve the financial disclosure process for presidential nominees.

In addition, the changes made in the Senate bill would require the administer of the General Services Administration to develop a transition directory. This directory would be a compilation of Federal publications supplementary material that would provide a new presidential appointees with a manual of information about the organization, statutory and administrative authorities, functions and duties of each department and agency in the Executive Branch. H.R. 4931, which we are considering today, includes those Senate amendments.

Over the years, there have been many examples of missteps and outright mistakes made by newly appointed officials in the White House. Those errors could have been avoided if the officials had more fully understood the scope of their responsibilities.

H.R. 3137 would set a time frame and authorize the funds for that necessary training and orientation.

I urge my colleagues to support this bill just as they supported its predecessor, H.R. 4931. It is an important step toward ensuring that a new administration, regardless of party affiliation, starts off on the right foot.

Mr. TURNER. Mr. Speaker, further reserving the right to object, I want to rise and join with the gentleman from California (Mr. HORN) in strong support of this legislation, H.R. 4931, and urge its adoption.

I want to commend the gentleman from California (Chairman HORN) and the gentleman from Indiana (Mr. BURTON) and the gentleman from California (Mr. WAXMAN), ranking member, who have all focused on this bill and to be sure that it is brought before this House today and becomes law before a new administration occupies the White House.

The Presidential Transition Act would amend the Presidential Transition Act of 1963 to authorize the use of transition funds for the purpose of providing orientations for individuals that the President-elect plans to nominate to top White House positions, including cabinet positions.

The bill would probably affect 20 to maybe 40 political appointments in the White House. It is designed to give greater assurance that the orientation process would take place shortly after the incoming administration assumes office or preferably before they assume office.

This orientation will provide a smoother transition for a new administration, eliminating mistakes, and ensuring that the Federal Government will continue to function at a high level.

Our subcommittee heard testimony from distinguished witnesses who advocated the adoption of this new provision for orientation programs for incoming members of a new administration. Witnesses such as Elliot Richardson, former Attorney General to President Nixon; the Honorable Lee White, the former Assistant Counsel to President Kennedy and counsel to President Johnson, shared the unique perspective that they have regarding the critical nature of this transition period.

There is no question that whoever is elected as the next President of the United States must be ready and prepared to go to work on the morning of November 8. That period between November 8 and inauguration is, indeed, a very critical period of time, not only for the new administration, but for the country as a whole.

So I am pleased to join with the gentleman from California (Chairman HORN) today in urging that this bill be adopted. It is noncontroversial. It is bipartisan. We have introduced it today and move that it be adopted by unanimous consent.

Even though we passed the bill on the floor of this House, we have now incorporated changes suggested by our colleagues in the Senate. I urge that we adopt it today.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 4931

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 ''Presidential Transition Act of 2000''.

SEC. 2. AMENDMENTS TO PRESIDENTIAL TRANSITION ACT OF 1963.

Section 3(a) of the Presidential Transition Act of 1963 (3 U.S.C. 102 note) is amended—

(1) in the matter preceding paragraph (1) by striking ''including—'' and inserting ''including the following:'';

(2) in each of paragraphs (1) through (6) by striking the semicolon at the end and inserting a period; and

(3) by adding at the end the following:

''(8)(A)(i) Not withstanding subsection (b), payment of expenses during the transition for briefings, workshops, or other activities to acquaint key prospective Presidential appointees with the types of problems and challenges that most typically confront new political appointees when they make the transition from campaign and other prior activities to assuming the responsibility for governance after inauguration.

''(ii) Activities under this paragraph may include interchange between such appointees and individuals who—

''(I) held similar leadership roles in prior administrations;

''(II) are department or agency experts from the Office of Management and Budget or an Office of Inspector General of a department or agency; or

''(III) are relevant staff from the General Accounting Office.

''(iii) Activities under this paragraph may include training or orientation in records management to comply with section 2203 of title 44, United States Code, including training on the separation of Presidential records and personal records to comply with subsection (b) of that section.

''(iv) Activities under this paragraph may include training or orientation in human resources management and performance-based management.

''(B) Activities under this paragraph shall be conducted primarily for individuals the President-elect intends to nominate as department heads or appoint to key positions in the Executive Office of the President.

''(9)(A) Notwithstanding subsection (b), development of a transition directory by the Administrator of General Services Administration, in consultation with the Archivist of the United States (head of the National Archives and Records Administration) for activities conducted under paragraph (8).

''(B) The transition directory shall be a compilation of Federal publications and materials with supplementary materials developed by the Administrator that provides information on the officers, organization, and statutory and administrative authorities, functions, duties, responsibilities, and mission of each department and agency.

''(10)(A) Notwithstanding subsection (b), consultation by the Administrator with any candidate for President or Vice President to develop a systems architecture plan for the computer and communications systems of the candidate to coordinate a transition to Federal systems, if the candidate is elected.

''(B) Consultations under this paragraph shall be conducted at the discretion of the Administrator.''.

SEC. 3. REPORT ON IMPROVING THE FINANCIAL DISCLOSURE PROCESS FOR PRESIDENTIAL NOMINEES.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Office of Government Ethics shall conduct a study and submit a report on improvements to the financial disclosure process for Presidential nominees required to file reports under section 101(b) of the Ethics in Government Act of 1978 (5 U.S.C. App.) to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

(b) CONTENT OF REPORT.—

(1) IN GENERAL.—The report under this section shall include recommendations and legislative proposals on—

(A) streamlining, standardizing, and coordinating the financial disclosure process and the requirements of financial disclosure reports under the Ethics in Government Act of 1978 (5 U.S.C. App.) for Presidential nominees;

(B) avoiding duplication of effort and reducing the burden of filing with respect to financial disclosure of information to the White House Office, the Office of Government Ethics, and the Senate; and

(C) any other relevant matter the Office of Government Ethics determines appropriate.

(2) LIMITATION RELATING TO CONFLICTS OF INTEREST.—The recommendations and proposals under this subsection shall not (if implemented) have the effect of lessening substantive compliance with any conflict of interest requirement.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MCNULTY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on and to include extraneous material on the special order of the gentleman from California (Mr. FARR) on the subject of the 150th anniversary of the State of California.

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

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. SHERWOOD). Under the Speaker's announced policy of January 6, 1999, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

RURAL HEALTH CARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Dakota (Mr. THUNE) is recognized for 5 minutes.

Mr. THUNE. Mr. Speaker, when I was back in South Dakota over the August recess, I traveled around the State visiting rural hospitals, clinics and nursing homes. I wanted to get a first-hand look at some of the challenges that are being faced by rural health care providers. I also learned about some of the successes that we have been having.

I represent the entire State of South Dakota. That is 66 counties and 77,000 square miles made up primarily of farmland and grassland. When the citizens of South Dakota need access to a health care provider, it is not uncommon for them to drive 100 miles just to make a regular appointment.

Distance really affects how people get health care in South Dakota. If one's elderly mother needs to see the doctor, one may need to take off work and make sure the kids are taken care of while one spends all day traveling back and forth only to spend 20 minutes with a physician. That is when the weather is good. When the weather is bad with the snow and the wind, that trip is just not possible. One's mother would have to make another appointment several days later and wait to get the medical care she needs.

□ 1645

But in times of tragedy or emergency, rural residents do not have that luxury. Take, for instance, the example of the farmer working in the field. Farm equipment accidents injure and kill rural residents every year. When the accident happens, the victims need medical attention and they need it quickly. If they can get the expert trauma care in their hometown clinic, there is a much better chance of survival. If they cannot get access to the appropriate professionals close by, they would have to drive several hours to get to a large medical center. Chances of a good outcome are much lower.

The health care professionals in my State of South Dakota have been coming up with some innovative ways to deal with the distance problem. They have been using technology to bring patients and doctors together. They call this breakthrough ''telehealth.''

Telehealth is a method of health care delivery that was at, one time, a new concept in health care, a theoretical way to connect people with providers. But telehealth is no longer an experiment. This is a service being used

every day in rural areas across this country.

I saw some of the most amazing things our health care providers are doing with telehealth technology. Lung specialists in Sioux Falls are using electronic stethoscopes to treat patients with pneumonia who live in Flandreau. Flandreau is a town with just over 2,000 people. They cannot get to see a specialist like that unless they travel or the specialist travels to them. That is pretty expensive when they start adding up gasoline and loss of productivity due to time on the road.

They are also using telehealth to provide health care on American Indian reservations. The Pine Ridge Reservation, which sits in the Nation's poorest county per capita, is over 130 miles from the area's main medical center in Rapid City. Many residents of Pine Ridge deal with depression. They would like to see a mental health professional but have to wait 3 months to get an appointment. But using two-way interactive video cameras, they can now have access to these professionals and get timely and appropriate care.

Those are just some of the ways that patients are getting the care that they need. It is clear that telehealth services have become critical for these patients and the providers who care for them. But this kind of care is expensive.

Currently, hospitals are using grants to fund these services. Grants are limited and do not last forever. When the grants dry up, patients will have to go back to the old ways of doing things. What is needed is a more permanent method of paying for these services, and that is where Medicare comes in.

Back in 1997, Congress authorized several telehealth demonstration projects to study the impact of telehealth on health care access, quality, and cost. The projects have shown that telehealth promotes better access and quality and could be used to provide both primary and specialty care at a reasonable cost. Given the success of telehealth, it is now time for Medicare to begin paying for these services.

But Medicare has created reimbursement policies that have had the effect of excluding these services to those patients who would derive the most benefit from them, seniors who are often unable to travel long distances for direct health care.

I thought Medicare was put in place to help our senior citizens get the care they need. But that is not the case with telehealth services. Medicare covered only six percent of all telehealth visits in 1999 clearly when Congress intended that Medicare would pay a little bit more for these critical services.

With these facts in mind, I introduced H.R. 4841, the Medicare Access to Telehealth Services Act of 2000. This bill tries to eliminate some of the reimbursement barriers that prevent hospitals from providing these services and seniors from accessing them. It is no longer the case that where they live needs to determine what kind of care they receive.

Now, I realize that telehealth is just one piece of the health care puzzle. There are many other aspects of the Medicare law that need to be revisited. Rural hospitals, clinics, and nursing homes are reeling from the effects of the Balanced Budget Act.

Last year, Congress provided some initial relief with the Balanced Budget Refinement Act. That was the first step toward helping our rural health providers deliver the kind of care our citizens deserve.

Now we are poised to take another step. As my colleagues know, members of the Committee on Commerce and the Committee on Ways and Means are now considering a legislative package that would further refine the BBA. Part of that refinement needs to include telehealth services. Congress understood the potential of this technology 3 years ago. It is time to reduce those barriers that keep it from being used effectively.

I urge the members of the committee to include the provisions of my legislation in their add-back bill. Congress has made a commitment to modernize Medicare, and reimbursing for telehealth services is one way to do that.

MILLION MOM MARCH AND COMMON SENSE GUN SAFETY

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, the clock is ticking. The clock is ticking and this Congress has yet to hear the message delivered by the one million mothers on May 14 of this year.

An extraordinary thing happened this past Mother's Day when so many New Jerseyans joined families from all over the United States in the ''Million Mom March'' here in Washington.

Now, all of us know it, Mr. Speaker. Over the last years, our Nation has been shaken deeply by incidents of gun violence. All of us were floored by the tragedy in a Michigan elementary school where a 6-year-old child, a child who had not yet learned to read, had learned how to kill with a handgun.

That was just the latest in a long line of gun-related tragedies. We know the litany. Columbine, West Paducah, Jonesboro, Conyers, and in too many other communities across America. These have been matched by countless other gun tragedies less public but no less tragic for their families and their communities all across the Nation.

In school yards, what would have a generation ago been a fist fight now becomes a blood bath. Since these tragedies, citizens all across my State of New Jersey have called louder than ever for passage of stricter gun safety laws. But despite the outcry, a few politicians in Congress here in Washington have stood in the doorway, have blocked reform, refusing to act on common sense gun safety proposals like those that the gentlewoman from New York (Mrs. MCCARTHY) and I are sponsoring here in the House of Representatives.

On August 26, I was joined by my colleague and good friend, the gentlewoman from New York (Mrs. MCCARTHY), for a public meeting in Plainsboro, New Jersey. The gentlewoman from New York (Mrs. MCCARTHY) and I were joined at that event by 66 families who once again called on this body to act on sensible gun safety legislation.

Mr. Speaker, I would like to read into the RECORD a letter to the gentleman from Illinois (Mr. HASTERT), the Speaker of the House, signed by the gentlewoman from New York (Mrs. MCCARTHY), myself, and 66 families who joined us in Plainsboro, which I will personally deliver to the Speaker this evening.

MR. SPEAKER, as concerned citizens of the State of New Jersey, we are writing to request your immediate assistance in having Congress consider gun safety legislation before Congress adjourns for the year.

As you know, in June of 1999, following the tragic murders at Columbine High School in Littleton, Colorado, Congress considered a package of juvenile justice proposals. When this legislation was considered in the Senate, an amendment by Senator FRANK LAUTENBERG was attached that would close the dangerous gun show loophole, ban the importation of high-capacity ammunition magazines, and mandate the use of child safety locks on firearms.

These three proposals, which have been introduced in the House of Representatives, are mainstream, common sense measures that polls show are supported by a large bipartisan majority of the public. While we in New Jersey do not have gun shows, other States do. That undermines our gun safety laws because they allow criminals to buy dangerous firearms without background checks, waiting periods or identification at these shows. A law mandating child safety locks, if enacted, could save the lives of hundreds of young Americans.

Many of us visited Washington, D.C., as part of the ''Million Mom March'' this Spring.

And, I might add, I made that trip by bus from New Jersey, too.

In the many weeks since that watershed event, attended by thousands of Americans from all parts of the Nation and all walks of life, no effort has been made to bring the Juvenile Justice legislation back before the House. In fact, these measures have remained bottled up with delay tactics and parliamentary maneuvering. Now, as less than 20 days remain in the scheduled legislative session, the need for leadership and action on this issue is greater than ever.

Stemming the tide of gun violence is an issue of deep importance to us and to our Nation. Now is the time for our leaders in Washington to roll up their sleeves, not sit on their hands. We urge you in the strongest possible terms to use your influence as the highest ranking Member of the House of Representatives to bring immediately these legislative proposals back before the Congress so that they can be sent to the President for his signature.

''Respectfully,'' and it is signed by 66 family members from central New Jersey.

Mr. Speaker, I include the letter for the RECORD:

August 26, 2000.

Hon. J. DENNIS HASTERT,
Speaker of the House,
U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: As concerned citizens of the State of New Jersey, we are writing to request your immediate assistance in having Congress consider gun safety legislation before it adjourns for the year.

As you know, in June of 1999, following the tragic murders at Columbine High School in Littleton, Colorado, Congress considered a package of Juvenile Justice proposals. When this legislation was considered in the Senate, an amendment by Senator Frank Lautenberg was attached that would close the dangerous gun show loophole, ban the importation of high-capacity ammunition magazines and mandate the use of child safety locks on firearms.

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Many of us visited Washington D.C. as part of the ''Million Mom March'' this Spring. In the many weeks since that watershed event, attended by thousands of Americans from all parts of the nation and all walks of life, no effort has been made to bring the Juvenile Justice legislation back before Congress. In fact, these measures have remained bottled up with delay tactics and parliamentary maneuvering. Now, as less than twenty days remain in the scheduled legislative session, the need for leadership and action on this issue is greater than ever.

Stemming the tide of gun violence is an issue of deep importance to us, and to our nation. Now is the time for our leaders in Washington to roll up their sleeves, not sit on their hands. We urge you in the strongest possible terms to use your influence as the highest-ranking member of the House of Representatives to immediately bring these legislative proposals back before Congress, so that they can be sent to the President for his signature.

Respectfully,
Signed by 66 New Jersey citizens.

Mr. Speaker, every school I visit, every PTA meeting that I attend, every classroom that I teach in, kids, moms and dads, in fact nearly everyone I talk with in New Jersey, tells me it is high time that Congress take action to keep guns out of the hands of kids and criminals.

Mr. Speaker, the time has come for Republicans, Democrats, and Independents to join together to pass these common sense gun safety measures.

RACIAL PROFILING AND POLICE BRUTALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the District of Columbia (Ms. NORTON) is recognized for 5 minutes.

Ms. NORTON. Mr. Speaker, there is an issue of great potency brewing in the African American community such that I feel compelled to bring it to the attention of this body.

Like other Americans, African Americans are animated by the same issues. Education is at the top of the list. And of course, there is a Patients' Bill of Rights and preserving Social Security and Medicare.

But what amazes me from the data and, anecdotally, when looking at black publications in my own district, is a surprising issue that has greater interest and intensity than others; and that issue is racial profiling and police brutality.

This is most interesting because the African American community has embraced police because there was such high crime, especially in the early 1990's. Crime is down 10 percent now from last year, 34 percent over the last few years; and yet there is this intense hostility based on what is happening particularly to black men but also to black women.

If one has raised a boy the way that I have so that he gets to go to college, graduates in 4 years, has a good job, it does not make a dime's worth of difference if he is driving down a road and there is a sense that who he ought to pull over are black people rather than others.

So that, if we look at Interstate 95, where 17 percent of the drivers are African-Americans, 56 percent of those searched are black; or let us look at California in a 1997 study that showed that only 2 percent of 3,400 drivers stopped yielded contraband; or a recent study of racial profiling on I–95 here in the East, about 17 percent of those who drive along I–95 are African Americans but they represented 60 percent of the drivers searched in 1999.

Something is wrong with those figures. And it has now penetrated deep in the African American community and it knows no class bounds. The richest and most middle-class African Americans know that there is no difference to a police officer who is looking for black people between a youngster that has done all he should do and somebody who may, in fact, be carrying drugs.

What amounts to a loss in the criminal justice system has occurred throughout the African American community where so many young African American men are caught up in the first place. We need to have that community where we had it when they began to embrace police in the 1980s, and we are losing them.

This body apparently had some recognition because under the present majority, H.R. 1443, which was a bill sponsored by the gentleman from Michigan (Mr. CONYERS) was indeed passed in 1998, which allows the collection of certain kinds of information about traffic stops. This body passed it. It was sent to the Senate. The Senate Committee on the Judiciary never acted on it.

We need to pass this bill again. It is now called H.R. 118. We need to pass it. Because about the worst thing that can happen in our society is that people believe that criminal justice does not have justice. And it is very hard for me to believe that there is justice in the system when the disparities are as huge as this.

□ 1700

Obviously, most African Americans play by the rules. So when you do not know whether playing by the rules will get you pulled over or not, particularly if you are a young black man, the stereotypic person to pull over, the rage of a loss of confidence that you are operating in a fair system becomes very great.

This is an issue for us all. This is an issue we can eliminate simply by first studying it and coming to understand what its causes are. H.R. 118 does not ask this body to take specific steps now. We need to know what is happening and why it is happening. If, in fact, black Americans see that we do not care enough even to find out why these disparities exist, I think we are sending a horrific message, especially now as people get ready to go to the polls. They want to see whether or not something can be done. I am not asking that something be done during this session. I do believe that during this session we have to start the ball rolling so that we can know what, if anything, we can do about these very telling statistics.

A TRADITIONAL EDUCATION IS THE BEST EDUCATION

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Tennessee (Mr. DUNCAN) is recognized for 5 minutes.

Mr. DUNCAN. Mr. Speaker, I rise today to speak briefly on two or three important topics or issues in education. First, we have done a more than adequate job in bringing down class sizes in most places around the country. What we really need to work on now is bringing down the size of schools.

At very large schools, some young people feel like they are little more than numbers. Most kids can handle this all right, but some feel that they have to resort to extreme, kooky, weird or, unfortunately at times, even dangerous behavior to get noticed.

At small schools, young people have a better chance to make a sports team or serve on the student council or become a cheerleader or stand out in some way. Young people today would be better off going to a school in an older building, but in a school where they did not feel so anonymous.

I read a couple of years ago that the largest high school in New York City had 3,500 students; and then they made the wise decision to break it up into five separate schools and their drug and discipline problems went way down.

The gentleman from Indiana (Mr. HILL) and I, on a bipartisan basis, introduced a bill to set up a special program within the Department of Education to give incentive grants to school systems that would establish programs to decrease the number of students at any one school. We got $45 million for this in the last omnibus appropriations bill, but we need to pursue this much more aggressively. Small schools mean individual attention and individual opportunities. Gigantic schools, unfortunately, centralized schools unfortunately, breed weird behavior and even help lead to Columbine-type situations.

Secondly, Mr. Speaker, this so-called teacher shortage is one of the most artificial, contrived, and easily solvable problems that we have in the country today. There would be no teacher shortage if we removed the straightjacket of education courses and let school boards use intelligence and common sense to hire teachers. A school board should be allowed to consider an education degree as a real plus but not be restricted or harmed or hindered by it. Right now, in most places, if a person with a Ph.D. in chemistry and 30 years' experience in the field wanted to teach, he could not do so because he had not taken a few education courses. This is ridiculous. Right now, a person with a master's degree in English and who had been a successful writer, say, for a magazine or for newspapers for years could not be an English teacher in a public school because of not taking a few education courses. This is crazy.

Someone who had been a political science professor at a small college for several years and then had several years' experience on Capitol Hill, for example, could not teach American government in a public high school without a required education course. This is stupid and it is why we have this artificial government-induced teacher shortage that we are seeing this publicity about.

We could wipe out this teacher shortage overnight if we would allow school systems to hire well-qualified people even if they had not taken any education courses. I repeat, an education degree should be considered a plus. It should be considered a good thing when considering someone for a teaching job. School superintendents and principals have enough common sense intelligence and experience to hire some well-qualified person to teach who has degrees and experience but simply lacks an education course or two.

Thirdly, Mr. Speaker, David Gelernter, a professor of computer science at Yale, said we are headed for an educational catastrophe or education disaster, he used both terms, by placing computers in classrooms for small or very young children. He said some seemed to believe if we give children what he described as a glitzy toy with bigger and bigger databases, we have done all we need in regard to education. He said we need to get back to the basics, especially in elementary and middle school. He said we still need to teach reading and writing and arithmetic and history and science, and we need to teach these things before we give kids computers and then wonder why they cannot add or subtract or write a grammatically correct sentence or know even basic history about their own country. This was said by a man who is a professor of computer science.

Computers are not the end all of education. We need to get back to the basics before we end up in the educational catastrophe or disaster that Professor Gelernter predicted.

PRESCRIPTION DRUGS AND MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, the public learned something about presidential candidate George Bush last week. Actually, the word ''important'' is an understatement. We learned something crucial. We learned his plans for Medicare.

Every senior citizen, every person with a family member covered by Medicare, every taxpayer in this country needs to understand this. George W. Bush believes Medicare as we know it should be replaced by private insurance plans. That is not conjecture. It is fact. It is what he tells us.

It is clear as day if one looks at his prescription drug plan. The first part of his proposal features a transitional program designed to give a special commission time to come up with a private sector alternative to the Medicare program. Mr. Bush goes so far as to avoid the obvious. That is adding prescription drugs to the list of health care services and supplies that Medicare covers. He actually advocates a transitional prescription drug program feature with mini-bureaucracies in each State to administer temporary prescription drug welfare programs. If one is opposed to big government, this part of his proposal is their worst nightmare: 50 State bureaucracies.

His welfare-type program approach, which would cover the lowest-income seniors only, is also sorely inadequate. Nearly half of all seniors who lack prescription drug coverage would be left out in the cold. The first part of his proposal may simply be ill conceived. The second part is simply irresponsible.

Under that section, the Federal Government would begin to subsidize part of the cost of private prescription drug coverage, but only after the Medicare program as a whole undergoes a transformation. That transformation, not surprisingly, features private insurance-type HMO health plans. Privatization of Medicare is not a transformation. It is an oxymoron. Private insurance plans cannot replace Medicare. Private insurance plan HMOs, their loyalty is to the bottom line. How many times do we have to intervene when a managed care or other insurer plan messes? Up how many times do we have to intervene on behalf of our constituents before the industry's loyalties become clear to us?

The loyalty results in decisions that are not in the best interest of enrollees. That loyalty is what creates the need for a Patients' Bill of Rights, which this House of Representatives and the other body should pass and send to the President. That loyalty, the bottom line, explains why health insurers market to the healthiest individuals and do everything in their power to avoid the sick. That loyalty explains how private, managed care plans, how private insurance company HMOs, contracting with Medicare, could enroll seniors one year, promising them all kinds of benefits, and unceremoniously drop them the next year; promise supplemental benefits they cannot deliver and then blame the government for problems that they created.

The traditional Medicare program is different. It is universal. It is reliable. It is accountable to the public. It has 1 to 2 percent administrative costs. Medicare's loyalty is to beneficiaries and to taxpayers. It is an undiluted commitment. Medicare offers choice in ways that actually make a difference in terms of health care quality and patient satisfaction. It does not tell beneficiaries which providers they can see and which providers they cannot see, like Medicare HMOs do, or provide financial incentives to discourage proper care, again as Medicare HMOs do, or interfere with the doctor/patient relationship, as Medicare HMOs do.

Medicare does not tell beneficiaries any of those things.

Having your choice of private health plans under the Bush plan, under private managed care, does not mean much if those plans all restrict access to providers and erect barriers to medically-necessary care. Medicare offers reliable coverage that does not come and go with the stock market, that does not discriminate against beneficiaries based on health status or any other criteria.

So George W. Bush has decided to join his Republican colleagues to promote the privatization of Medicare, to end Medicare as we know it, and to provide a new market for private insurance plans. And when it comes down to it and prescription drugs, whom do you trust? Do you trust Medicare, traditional Medicare, that served the public well for 35 years? Do you trust Medicare to provide these benefits to the public with prescription drugs, or do you trust private insurance HMOs who have pulled out of county after county, made promises they have not kept? It is a question of trusting traditional Medicare or, again, do you trust private insurance HMOs?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BILBRAY) is recognized for 5 minutes.

(Mr. BILBRAY addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

THANKS TO THE MANY STAFFERS WHO HAVE ASSISTED IN THE FIFTH AND EIGHTH CONGRESSIONAL DISTRICTS OF FLORIDA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. MCCOLLUM) is recognized for 5 minutes.

Mr. MCCOLLUM. Mr. Speaker, I am here today because we are finishing this term of Congress, and while there may be other things for me, perhaps across in the other body, this is the last year that I will serve as a Member of the United States House of Representatives. I am very proud of the service that I have given, and I have enjoyed my service a great deal in this body.

I have enjoyed working with my colleagues on both sides of the aisle to accomplish many things over these years that I have served from 1981 to the present, but none of that would have been possible without a very strong group of men and women who served on my staff.

Now, we often talk about our committee staffs; but I am talking specifically about my personal staff; my staff both in my Orlando district office, and my staff here in my Washington office. There have been many, many people who have worked for me over those years; and in a moment I am going to enter into the RECORD some 99 of those staffers that I have at least documented, that I want to recognize because their hard work is what allowed me to provide this service first to the Fifth Congressional District of Florida and then to the Eighth Congressional District of Florida.

I want to single out some in particular, though, because even though I would like to be able to talk about all 99, I cannot do that. I do not have time to, and no one would want me to; but some have been with me a long time and some have done admirable service.

In my district office, Nancy Abernethy is a case worker who has been with me since the very beginning when I first began my service, the beginning of 1981; and throughout those years she has provided service to many constituents, particularly in immigration matters and about tax matters, that is above and beyond the call of duty in many cases.

There are literally hundreds of people in central Florida today who have had service provided by Ms. Abernethy in resolving matters regarding immigration rulings and immigration concerns that they would not have had resolved in the way they did if she had not been there to act on their behalf. She still does that today.

I have another lady who has been with me for many years, all but I think a couple of the years I have served, in that same district office, a case worker named Elaine Whipple. Elaine tirelessly served me for a long time working with senior citizens, particularly veterans, on issues concerning veterans affairs, but also on Social Security, giving service, finding answers to solutions to those Medicare problems for people with the various agencies of the government. These two women provided a perfect illustration of what can be done in the best of public service when you have people that are dedicated, who every day go to work regardless of whether I am sitting in the office or not, answering the phones, talking to people and providing them a conduit between the Federal Government and an agency that is far removed from them, and some real, everyday problems in their personal lives that need recognition and resolution.

I have also had several other people that have really served extraordinarily well that I want to mention. The chiefs of staff who have served me over the years, Vaughn Forrest for many years, my very first chief of staff, did admirable work. We provided together a program for relief for Salvadorans, the people who were displaced off the farms there during their civil war where we lifted medicines and medical supplies down there that were donated privately, not a legislative agenda but something privately done, that the office did, that I am prouder of than any other thing that I have worked on since I have been in Congress; and much of that work was a tribute to Vaughn Forrest's effort as he did in many other cases.

□ 1715

Mr. Speaker, more recently Doyle Bartlett has been my chief of staff who was an early aide who came to work for me in my district office and who worked on to be a legislative staffer up here, and then later my chief of staff. And most recently John Ariale, who currently is my chief of staff, but was my district aide for many years, working to serve the public in the central Florida region tirelessly for a good number of years on my staff.

Personal secretaries, personal assistants over the years both in Washington and in Orlando in the central Florida area have meant the difference in my life and in the ability for me to be able to serve. Fran Damron who came to Washington to start this process from Florida with me, but for unforeseen family circumstances might very well be in my employ today.

Mary Lee Reed who still works part time for me, for many years worked in this Washington office as my right arm. Today Sue Lancaster in my district office who has been with me for many years, I could not do without really in many ways. She has tirelessly put time in program after program serving our constituents and working to allow me to serve better. Lisa Smith, who recently left my office in Washington, served many years here doing that job. And more recently Jin Sikora.

I have had other staff assistants from Jane Hicks who served me a long time on the front desk here to Selma McKinzie, I should say the district desk in Florida to Selma McKinzie who served here and the list could go on and on. I cannot begin to name them all.

Leslie Woolley was my first legislative director, the legislative is a critical staff as well to provide services in a personal staff office that we do not get from the committee staff on legislative matters. Many, many issues that Members of Congress have to face every day and votes they have to take on the floor, they have to be prepared for that. They would not otherwise be able to do because that does not come within the purview of the committees they serve on, but they are expected, we all are expected to respond and respond intelligently to make votes for these issues.

I want to again thank these personal staff Members for all the work that they have done over the years. I do not think we pay enough tribute to our personal staffs.

Mr. Speaker, I include the following for the RECORD:

STAFF TRIBUTE (1981–2000)

PERSONAL OFFICE STAFF

Nancy Abernethy, Melissa Finn Aldrich, John Ariale, Marie Attaway, Michael Ballard, Doyle Bartlett, Paul Bernstein, Lynne Bigler, Julie Bordelon, Scott Brenner, Melissa Burns, Rachel Cacioppo, Sandra Carroll, Christina Cullinan, Fran Damron, James Derfler, Andi Dillin, Susan Dryden, Sarah Dumont, David Eisner, Debbie Feldman, Terri Finger, Vaughn Forrest, Kristen Foskett, and Teresa Fulton.

James Geoffrey, Elizabeth Gianini, Shannon Gravitte, James Griffin, Michael Hearn, Mark Heidelberger, Jane Hicks, Mary Carlson Higgins, Judi Holcomb, Barbie Howe, Dawn Igler, Joe Jacquot, Kirt Johnson, Dana Hargon Jones, Vincent Jones, Josh Kane, Dirk Karaman, Karl Kaufmann, Susan Kessel, Anne Kienlen, Janie Kong, Sue Lancaster, Carolyn Lindsey, Patti Lockrow, and Linda Lovell.

Gerry Lynam, Ellen Maracotta, Kevin McCourt, Selma McKinzie, Ferrall McMahon, Bob Meagher, Judy Merk, Dave Merkel, Helen Mitternight, Lisa Morin, Don Morrissey, Rufus Montgomery, Maureen Mulherin, Sophia Nash, Karen Nasrallah, Paula Nelson, Jaclyn Norris, Jennifer Paine, Clif Parker, Mari Parsons, Marissa Barnes Raflo, Mary Lee Reed, Therese Ridenour, Debby Roeder, and Tom Rosenkoetter.

Clif Rumbley, Christy Russell, Ann Scarborough, Eythan Schiller, Karen Schwartz, Jenn Hargon Sikora, Ginny Smith, Lisa Weigle Smith, Teresa Smith, Yvette Sommers, Phil Squair, Janet Sterns, Marise Stewart, Pam Tabor, Jay Therrell, Laurie Thompson, Carl Thorsen, Chuong Tran, Steve Van Slyke, Linda Vogt, Tyler Wesson, Tina Westby, Elaine Whipple, Susan Williams, and Leslie Woolley.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. INSLEE) is recognized for 5 minutes.

(Mr. INSLEE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PASCRELL) is recognized for 5 minutes.

(Mr. PASCRELL addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

(Mr. PALLONE addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

(Ms. KAPTUR addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

CALIFORNIA'S SESQUICENTENNIAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FARR) is recognized for 5 minutes.

Mr. FARR of California. Mr. Speaker, on behalf of the California delegation, I submit the following statements relating to California's 150th anniversary of Statehood.

Mr. THOMPSON of California. Mr. Speaker, I rise today to celebrate California's 150th Anniversary. This is a momentous occasion as we recognize the most populace and one of the most diverse states in the Union. With 52 Congressional Districts, each brings its own culture, tradition, attitude and history to the state.

California's First Congressional District contains the finest wines, greatest fishing, and richest forests in our nation. From chardonnay to cabernet, the vineyards within the First District produce outstanding varietal wines. The 400 wineries use cutting-edge science with traditional techniques to provide wines of every type and vintage, for beginning tasters to advanced collectors.

The Napa Valley Wine Auction, held each June, has become the largest and most successful charity wine auction in the world since its beginning in 1981. Hundreds of wine enthusiasts and auction-goers from across the nation, as well as a growing number of international guests, travel to participate in a gala weekend of tastings, dining, art shows, and auctions. As the auction has grown, along with the wines it showcases, it has raised millions of dollars for local health care. Sponsored by the Napa Valley Vintners Association, the auction has donated over $16 million to local charities, raising a record-breaking $9.5 million this year alone.

North of the grapevines of Napa, Sonoma, Mendocino, Solano and Lake Counties, lie the magnificent Redwoods, which make their home in Del Norte, Humboldt and Mendocino counties. In the midst of large fishing and timber industries, these giant trees, some over 2,000 years of age and over 350 feet in height, annually attract over one million adults and children from around the world who stare in amazement at the enormity of the world's tallest trees. Redwood National Park, home to over 110,000 acres, was established in 1968 and expanded ten years later to protect the slow maturing redwoods.

Fort Bragg, California is the setting for the Annual World's Largest Salmon BBQ, which is held on the July 4th weekend. This year commemorated the 29th anniversary of the event that benefits the local Salmon Restoration Association (SRA). Its goal is to replenish the once great numbers of salmon in the Northern California waters. Members of the SRA are joined by volunteers from across the region and help serve 5,000 pounds of salmon, 5,000 ears of corn, 1,000 pounds of salad and 850 loaves of French bread.

The First Congressional District is also home to Solano County's Travis Air Force Base, which currently houses the largest airlift organization in the Air Force. Travis, established in 1942, is assigned to the 60th Air Mobility Wing, consisting of the 60th Operations, Logistics, Support, and Medical Groups. For 50 years, Travis has presented the Travis Air Expo, attracting more than 200,000 guests each year, who watch this two-day event featuring multiple performances by some of the world's top military, civilian and vintage aerial demonstrators. The Travis Air Expo has established itself as the premier military air show in Northern California.

Mr. Speaker, these are just a few of the important events held in the First Congressional District that reflect the strength, character and integrity of our residents who represent the diversity of the entire state. It is appropriate at this time, Mr. Speaker, that we recognize and celebrate the birth of the great state of California.

Mr. HERGER. Mr. Speaker, 150 years ago this past Saturday the state of California entered into the Union. I rise today to commemorate this anniversary, and to celebrate the resources and treasures of the 2nd congressional district.

Historically, the great state of California is most often associated with the Gold Rush. Northern California was the main destination of those in search of quick wealth. The banks of the Feather River yielded great riches to those who were in the right place at the right time, but the precious metal that caused a rush to the West was not the only treasure that California possessed.

Young settlers whose dreams had not materialized in the gold fields soon turned to the fertile Central Valley and envisioned golden acres of grain. Today those acres are covered with fruit trees, rice fields, and almond and walnut orchards, as the valley continues to yield its agricultural treasure, making California the leading agricultural economy in the world.

Others looked at the golden promise in the vast forests. Their labor provided the lumber for the growing towns and cities of Northern California. A tremendous renewable resource to the American people, our forests provide materials for homes and businesses, as well as endless recreational opportunities and habitat for unique plant and animal species.

Some entrepreneurs recognized that there were other ways to gather gold than simply panning in a streambed. They opened dry goods stores, banks and hotels. Women found that they could earn a living utilizing their household skills cooking and cleaning for miners who couldn't. California was born a land of golden opportunities and to this day she continues to call to those willing to take a risk in order to improve their own lives.

Many came to California for only a visit, but stayed a lifetime. The specious skies, majestic mountains, and rushing rivers of Northern California stirred their souls, while her fertile valleys, gentle climate, and endless opportunities captured their imagination. Yes, gold fever may have lured early settlers here, but even though the stores of that precious metal have mostly given out, people still flock to California today.

As a third generation Northern Californian, I am very proud of the beauty and resources of my native land. I am proud to celebrate the 150 years that this jewel has been an important part of our great nation.

Mr. OSE. Mr. Speaker, I rise today representing California's Third Congressional District in celebrating the Sesquicentennial of the great state of California's admittance to the Union.

California's Third District is one of the truly diverse regions of the country. The district stretches from Sacramento's urban, southwestern suburbs to the spacious northern country of Tehama, serving as a bridge between the flat agricultural lands of the upper Sacramento River Valley and the state's northern, timber-rich highlands. From East to West, the District lies between the majestic Sierra and Coastal Range.

The roots of the Third District can be traced parallel to those of the state. On January 24th, 1848, James Marshall reached into the icy waters of the American River near Sacramento and found the first gold nugget. People from around the globe came to California in search of their dreams. By August of 1849, the City of Sacramento was born and nearly a year later, in September of 1850, the State of California was made into the 31st State.

The Northern portion of the district is home to some of this country's most beautiful sites, including both the Lassen National Park and the Mendocino National Forest. The picturesque Sutter Buttes are considered the smallest mountain range in North America.

Today, the District is one of the leading producers of agricultural crops, including an abundant production of rice, tomatoes, peaches, pears, almonds, pistachios and avocados. The Third District is also the home of the University of California at Davis, one of the leading research universities in the country.

But most of all, what makes the Third District special are the people who reside in it. The tight-knit communities in counties like Butte, Colusa, Glenn, Sacramento, Solano, Sutter, Tehama and Yolo instill a strong sense of family values that will carry on through future generations.

I am extremely proud to reside in and represent the Third Congressional District of California. It is with honor that I rise today to recognize the 150th anniversary of this Great State and our wonderful district.

Mr. MATSUI. Mr. Speaker, I rise today to recognize California's State Capitol, the great city of Sacramento, in celebration of the 150th anniversary of California's admission to the Union.

Located in the heart of Northern California, the River City of Sacramento boasts a rich

blending of art and culture offering the comforts of a small town and the amenities of a growing metropolitan area. As the capitol of the sixth largest economy in the world, California, Sacramento is home to the world's largest almond processing plant, Blue Diamond and continues to rank as a major agricultural producer year after year. But while Sacramento has a thriving business community, the state legislature also claims Sacramento as its home base. The magnificent State Capital building alone attracts scores of world leaders, businessmen and women, school children and tourists alike.

Helping to keep Sacramento's economy booming is its natural positioning as a gateway for industry. Located at the crossroads of the state's north-south and east-west trade routes, Sacramento is able to host a deep-water port and a major airport. The film industry is another enterprise attracted to Sacramento, but for different reasons. From gold-rush era store fronts to picture perfect Victorian homes to modern office buildings, Sacramento has lent itself as an aesthetically pleasing backdrop to a long list of cinema classics, most recently, The General's Daughter and Oscar Winner, American Beauty.

Major league sports teams have also found a successful and welcoming home along the Delta. Two major league basketball teams, the Sacramento Kings and the Sacramento Monarchs play to sold out crowds in the Arco Arena. Most recently, Sacramento welcomed a new team, the Sacramento River Cats. A farm team for the Oakland A's, the River Cats play in a brand new stadium just 450 yards from Old Town Sacramento, bridging together Sacramento's colorful gold rush past with a new set of hometown heroes.

Over the years, Sacramento has seen some significant firsts. The initial transcontinental railroad meeting between the ''Big Four'', Leland Stanford, Charles Crocker, Collis P. Hunington, and Mark Hopkins was held above a downtown hardware store in 1860. Also in 1860, the Pony Express began its 1,980-mile ten-day delivery service between St. Joseph, Missouri and Sacramento. And Tower Records, America's second largest record retailer got its start selling used jukebox records for 10 cents each in a Sacramento drug store.

Known for its many acclaimed historical points of interest such as Sutter's Fort and the Delta King, Sacramento is also respected for being an environmentally conscious community. With all that goes on in and around this city, one would hardly guess that Sacramento could brag about having more park space per capital than any other city in the nation. But it is true; this city has many more trees than people. One of the greatest success stories is the American River Parkway. Designated a natural preserve in 1960, the 32-mile long parkway is the first, and one of the few, riparian river habitat preservations within a major urban center. Its 7,000-acres offer opportunities for fishing, rafting, kayaking, hiking, and nature study. Clearly, residents of Sacramento have a great city to be proud of.

With all that Sacramento has to offer, some like to think of Sacramento as California's best-kept secret. True, it is the ideal place to live and do business. But I like to think of it simply as home.

Ms. WOOLSEY. Mr. Speaker, I rise today to recognize California's Sesquicentennial. I am very proud to represent California's Sixth Congressional District. This district includes all of Marin and most of Sonoma County, the region north of the Golden Gate Bridge. The District, initially the home of Native American Tribes, has been under seven sovereign flags: England, Spain, Russia, Mexico, the Bear Flag Republic, California and the U.S.A.

The Sixth Congressional District has been home to a wide variety of businesses and agricultural endeavors. Sonoma County recently earned 3rd place in a nationwide Forbes magazine that ranked the best cities in which to do business. Since 1987, the area from Novato to Santa Rosa has earned the nickname ''Telecom Valley,'' for the large number of telecommunications companies that the area has produced. Marin and Sonoma Counties are also home to many other high-tech firms. In the agricultural arena, Sonoma County contains dozens of vineyards, wineries, and apple orchards. Both counties have a long and proud history of dairy and poultry farming.

The Sixth Congressional District also has a rich musical and artistic history. From the Great Depression through the 1950s, the Russian River area of Sonoma County was the venue for Big Bands. The Kingston Trio began their career in Marin County in the 1950s. Their ownership of the Trident in Sausalito brought other famous and soon-to-be-famous to the country. In the 1960s, Marin resident Bill Graham's productions engendered poster art that defined much of the nation's art of that decade, just as his concerts defined the popular music and culture of the times. Today, Sonoma State University is building the Don and Maureen Green Music Center—a music, dance, and drama performance center on the level of Tanglewood, that will become an international destination for its summer festivals.

Film arts in the District are highlighted by the Mill Valley Film Festival, long known as the springboard for new talents. The District has often been chosen as a filming location for such movies as Alfred Hitchcock's The Birds and Vertigo, as well as Star Wars and others. Marin County is also home to George Lucas, a frequent Oscar winner over the last several years.

Sonoma and Marin counties' residents are notable for their environmental consciousness, and a look at the natural treasures of the District makes the reason obvious. The District is home to half of the Golden Gate National Recreation Area, the nation's most visited National Park; Point Reyes National Seashore; the breathtaking Russian River recreation area; plus several state and county parks; mountains and valleys; redwood groves and miles and miles of coastline. Truly, the Sixth Congressional District is a place we are all proud to call ''home.''

More information about California's Sixth Congressional District can be found in the Local Legacies collection at the American Folklife Center for the Library of Congress.

Mr. Speaker, it is my great pleasure to pay tribute to the Sixth Congressional District in honor of California's Sesquicentennial. I am very proud to be representing such an accomplished and beautiful area of California in Congress. Happy 150th Birthday, California!

Mr. GEORGE MILLER of California. Mr. Speaker, California's 7th congressional district includes portions of Contra Costa and Solano Counties and is situated astride San Francisco Bay and the Sacramento River. Its economic, demographic and political history is deeply linked to its geography. Industry ranging from oil refining to shipping, an extensive Navy presence, and deep concerns about water quality and the environment—especially the protection of the Bay and the Sacramento-San Joaquin Delta—have long been central features of the region. It is no accident that it was in Martinez, the Contra Costa County seat, Sierra Club founder John Muir resided and wrote his tracts that transformed our view of natural resource protection.

The 7th district is also the site of significant national historical events from the era of World War II. At the site of the former Port Chicago Naval Weapons Magazine (currently the Concord Naval Weapons Station), the largest domestic loss of life during World War II occurred on July 17, 1944 when over 320 men, most of whom were black, were killed in a cataclysmic explosion. The subsequent refusal of black sailors, who were the subject of discrimination, to resume the loading of munitions led to the largest court martial in Navy history and a landmark civil rights case that helped facilitate President Truman's decision to integrate the armed forces later in the decade. Congress designated the site of the explosion as the Port Chicago National Memorial in 1992. In December of 1999, after a long effort I led with other lawmakers, activists, and veterans, President Clinton issued a Presidential pardon to Mr. Freddie Meeks of Los Angeles, one of the last remaining men who was court-martialed more than half a century ago.

Richmond, California, on the 7th district's west side, was a small city when World War II began and the Kaiser Shipyards were created to build the Liberty and Victory ships that supported the war effort. Tens of thousands of new workers—including many minorities and women—ballooned the local population and created the legendary ''Rosie the Riveter'' image. Together with providing women previously unavailable jobs in industrial plants, Richmond served as the epicenter of dramatic changes in American life that were to affect generations including racial and gender integration of the workplace, group health services and expansive child care. Congress is now completing action on my legislation to create a National Historic Site to commemorate the rich history of Richmond's contributions to ending WWII and changing our society forever.

Those historic changes continue today with the conversion of the former century-old Mare Island Naval Shipyard in Vallejo to civilian uses including environmental protection and local economic development. The 7th district has an historic past and today is a critical part of the San Francisco Bay Area's economic, environmental, cultural and communications life.

Ms. PELOSI. Mr. Speaker, this past Saturday marked the 150th anniversary of the entry of the State of California into the United States. I rise today to recognize this important date and to bring to the attention of my colleagues the important contribution of the Presidio of San Francisco to the history of the Eighth Congressional District and to the State of California as a whole.

The Presidio has overlooked San Francisco Bay since the United States came into existence. Built in 1776 by the Spanish Empire in North America, the military outpost of the Presidio was created after the great inland harbor of San Francisco was discovered during colonizing expeditions. The Presidio was briefly

under the control of the newly independent Republic of Mexico starting in 1821, but was finally transferred to American control by treaty in 1848.

In many ways, the history of the Presidio has mirrored the events that shaped our nation. During the 1870's and 1880's, the Presidio served as a frontier outpost, from which soldiers saw action in the Indian Wars. San Franciscans are proud of the service at the Presidio during this time of the Buffalo Soldiers, all Black-regiments established to help rebuild the country after the Civil War and to patrol the western frontier.

By the turn of the century, the Presidio shifted from an outpost to a major military installation and a base for American expansion into the Pacific. In 1898, tens of thousands of American soldiers camped at the Presidio in preparation for the invasion of the Philippines during the Spanish American War. In 1915, General John Pershing, later to become the commander of U.S. expeditionary forces in World War I, led the pursuit into Mexico of Pancho Villa from the Presidio. The Presidio became headquarters for the Western Defense Command during action in the Pacific in World War II, and soldiers began digging foxholes in local beaches in anticipation of a possible invasion.

Playing a significant role in the preservation of nature, the Presidio's role in the San Francisco Bay Area transcends its military roots. As far back as the 1880's, the first large-scale tree planting and post beautification projects were undertaken at the Presidio. The building of the Golden Gate Bridge from 1933 to 1937 increased the public use of the Presidio. The Presidio was designated a National Historic Landmark in 1962. From that time to its eventual closure as a military base in 1989, and its transfer in 1994, thanks to the visionary actions of Philip Burton, to the National Park Service, the significance of the Presidio has shifted from a strategically important military base to a gem in the National Park system and an integral part of California's landscape and history.

Today, the Presidio continues to reflect the changing priorities of our nation. In a change reflecting a swords-to-plowshares approach, the former military installation at the Presidio has become a national park like no other. Surrounded by dense neighborhood in San Francisco, the Presidio is now an urban oasis of open space that preserves a critical habitat for some rare and endangered species. The Presidio contains an incredible assortment of recreational, cultural, and natural resources that makes it a top destination for visitors to San Francisco and a well-loved and visited site for the City's residents. Fittingly, the Presidio has also become home to a Swords-to-Plowshares program which helps veterans re-assimilate into civilian society through job training, housing assistance, and counseling.

Mr. Speaker, the Presidio of San Francisco, with its proximity to the Golden Gate Bridge and the California Coastline, its beautiful forests and unique ecology, and especially its role in the development of California, deserves recognition for its place in the history of the Golden State. I am proud to recognize this contribution and to honor the Great State of California on its sesquicentennial anniversary.

Ms. LEE. Mr. Speaker, I am proud to rise today to commemorate the Sesquicentennial of California's statehood. One hundred and fifty years ago, California became the 31st state in the union. It is my great privilege to represent the Ninth District of California, which has played a vital role in the history, economy, and culture of this wonderful state.

The Ninth District has a rich history of its own in the last 150 years. Home to the City and Port of Oakland and the University of California at Berkeley, this East Bay area offers ethnic diversity, intellectual ferment, and economic vitality, and has made a wide array of contributions to science, technology, literature, the arts, and business.

Oakland emerged as a major commercial and transportation center in the heyday of the California Gold Rush of 1849. It became a crucial transit point from the San Francisco Bay to Sutter's Mill and the Sierra Nevada foothills. Oakland dramatically expanded after the tragic San Francisco earthquake of 1906 as Californians sought firmer ground. The city again ballooned upward in population during the Second World War, when thousands of Americans came to the District to work in the busy shipyards, the Oakland Army Base, and the Naval Air Station in Alameda.

As the city grew, so did its commitment to progressive activism. Individuals such as Cotrell Lawrence Dellums, a Pullman porter and a Bay area representative for the Brotherhood of Sleeping Car Porters, began organizing fellow African-Americans to join the union in 1925, when Oakland was still strongly linked to the passenger rails. As the head of the Alameda County NAACP, he helped the AFL–CIO consolidate its membership by delivering the support of Black railroad workers and members of the NAACP, and was among the first to organize voter registration campaigns in the district.

C.L. Dellums' spirit of activism has remained alive in California's District Nine throughout the years, demonstrated by minority groups organizing to demand equality, the student anti-war protests at the University of California, and working men and women joining together to demand better working conditions.

Two-time Socialist Party Candidate for Mayor and ''Call of the Wild'' author Jack London called Oakland his home for nearly thirty years. From that city, London wrote many of his vivid evocations of the Far North. The East Bay's sometimes chilly climate may have helped inspire some of his more picturesque depictions of life in the Yukon. Nor was London the only cultural icon to grace Oakland's streets: Robert Louis Stephenson, and Gertrude Stein both lived in Oakland, and all enriched our literary heritage. Today, Jack London Square bears Oakland's famous son's name, such an important part of the city that is standing at the waterfront.

As a sea, air and rail port, Oakland is at the hub of California trade. The maritime port stretches across nineteen miles of San Francisco Bay. One of the largest ports on the West Coast, the Port of Oakland is today second only to New York in terms of container terminal space. It is the primary sea terminal connecting the western United States of Asia, South America, and Europe. Like the seaport, the airport also represents a crucial link in the chain of intrastate, interstate, and international commerce. The Oakland Airport was also the starting point in 1937 for Amelia Earhart's ill-fated round-the-world flight.

In addition to its role in transportation, the Ninth District also plays a leading role in the nation's academic life. The University of California is one of the finest academic institutions in the country. It was born out of the heady spirit of California's 1849 gold rush. In that year, the authors of the State Constitution demanded that the legislature ''encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement'' of the people of California. The gold rush may have played out, but the university that was eventually created at Berkeley has uncovered a rich vein of ideas. Today, the University of California ranks among the top universities in the world.

The historic landmarks in this district include the Camron-Stanford House, Dunsmuir House, Mills Hall located on the Mills College campus, the Paramount Theatre, the U.S.S. *Hornet* (CV–12), the several buildings designed by architects Julia Morgan and Bernard Maybeck. Additional landmarks in the district include the C.L. Dellums Train Station, the just-opened Chabot Observatory and Science Center, Children's Fairyland (Walt Disney's blueprint for Disneyland), Jack London Square, Lake Merritt, Lawrence Hall of Science, Oakland's Chinatown, and the Ronald V. Dellums Federal Building.

In recent history, our district is experiencing increased growth of ''dot coms,'' biotechnology research centers and hi-technology companies such as Bayer, Chiron, Sybase and Wind River.

Four of our annual events were recently placed as a ''Local Legacy'' as a centerpiece of the Library of Congress' Bicentennial celebration. These events are the Solano Stroll, Dia de los Muertos, the Black Cowboys Parade and the Festival of Greece. I am proud that these events are recognized by the Library of Congress as a local legacy.

With a century and a half of history behind it, California now stands at the brink of a new century and a new millennium. Its gold-rush inspired state motto is ''Eureka,'' a Greek word proclaiming discovery. As we move forward into the future, we must continue to celebrate our diversity, remember our past, and refute Gertrude Stein's famous Oakland lament that ''there was no there there.'' There is a there, there, and for a hundred and fifty years there has been.

Mrs. TAUSCHER. Mr. Speaker, I rise today to celebrate the Sesquicentennial of California's admission into the Union as the nation's 31st state on September 9, 1850. California's 10th Congressional District has been instrumental in the state's history. In the 1800s, my district had a strong connection with the Old West, populated by Americans during California's Gold Rush and a center for miners. The 10th Congressional District became one of the main routes to the gold fields and quickly became a mercantile stopover for miners seeking their fortune in the Mother Lode.

Many of those miners purchased land in this beautiful area. In 1854 Daniel and Andrew Inman founded Danville when they bought 400 acres with their mining earnings. By 1858 the new Danville community grew and thrived, complete with a blacksmith, hotel, wheelwright, general store, and a post office.

The City of Lafayette was well known throughout California in the early 1860 as a stop for the Pony Express from April 3, 1860 to late October 1861. The 200-mile trail served as the fastest mail delivery between St. Joseph, Missouri and Sacramento, California.

The Town of Moraga was named for Joaquin Moraga, the grandson of Joseph Joaquin Moraga who was the second in command of the Anza Expedition of 1776, the founder of San Francisco, Mission Delores and the founder and first commandant of the Presidio. In 1835, he received a 13,316-acre land grant from the Mexican government, which included parts of Orinda and Lafayette. On a hill overlooking the Moraga Valley, Joaquin Moraga built an adobe home, thought to be the oldest building in Contra Costa County.

Today the 10th Congressional District maintains its historic roots combining clusters of narrow roads and early buildings with 21st Century high technology office parks. The citizens in the 10th Congressional District are among the highest skilled and educated workforce in the nation. While they are at the epicenter of the high-tech economy, they are also committed historic preservation and protecting the natural physical environment in one of the nation's more desirable places to live. The 10th Congressional District is committed to preserving its past and looking forward to the next one hundred-fifty years as a part of this great nation.

Mr. POMBO. Mr. Speaker, I rise today with my fellow delegates to celebrate and honor the 150th birthday of the great state of California.

I have the honor of representing the 11th district of California, which includes the San Joaquin County cities of Stockton and Lodi. Each has played a dynamic part in the historic and economic development of the Golden State.

The town of Lodi was settled by families of German descent from North Dakota. It first served as a railroad stop known as Mokelumne Station in 1869, which was renamed to Lodi three years later. Formally the ''Watermelon Capital,'' Lodi today is known as the ''Wine grape Capital'' of the world. This booming town of over 50,000 residents is home to the Tokay Grape and over 40,000 acres of vineyards. Some of California's finest wineries are located in nearby Woodbridge and Acampo.

Stockton is the backbone of California's agricultural hub and home to nearly 250,000 residents. It is our state's largest inland shipping port, which sends the San Joaquin Valley's farm products to the open market. Thanks to its rich soil and temperate climate, Stockton is one of the most productive growing areas in California. Major crops include asparagus, cherries, tomatoes, walnuts and almonds. Stockton is also home to the University of the Pacific, a charming campus known for its programs in law and pharmacy. Stockton has historically been a multicultural city. Older generations of families from Europe and Mexico are being joined by new arrivals from South East Asia and Central America. In 1999, Stockton was awarded the ''All American City'' award by the National Civic League.

Mr. Speaker, it is indeed a great honor to be a life long native of the 11th district and to represent it today in the Congress. The 11th is one of the most diverse culturally and economically. But together, its people serve an important role in the economy of both California and America. I am pleased to join my delegates today in celebrating the Sesquicentennial of the Golden State.

Mr. LANTOS. Mr. Speaker, I join my colleagues from the golden State of California in marking the 150th anniversary of statehood.

It was 50 years ago—in the summer of 1950 when California celebrated the centennial of its admission to the Union—that my new bride and I moved to the San Francisco Bay Area. And it was half a century ago that Annette and I began our connection with the part of our state that is now the 12th Congressional District. In the fall of 1950, I began my studies as a graduate student in economics at the University of California, Berkeley, and at the same time I began teaching at San Francisco State University. When we arrived in California, it had a population of 10.6 million. Today, Mr. Speaker, our state's population has reached 33.1 million—1 out of every 8 Americans is a Californian.

As we mark 150 years of statehood, it is instructive to look both to our historic past, but at the same time to look to the future, and California and the 12th Congressional District was as important in shaping our nation's past as it is today in leading the way toward our nation's future.

Mr. Speaker, in the mid-19th century, the Bay Area was the principal gateway to the California gold rush. In 1847—with the Mexican War still underway, two years before of the influx of the gold miners of 1849, and three years before California's admission to the Union—San Francisco had a population of 459 people, half of whom were U.S. citizens. Three years later on July 1, 1850, the U.S. Census Bureau reported that the population of San Francisco was 94,766, and at that same time, 626 vessels were anchored in the San Francisco Bay.

When California became a State, the legislature established San Francisco County, but with the explosive growth of the area just six years later in 1856, it was necessary to create the new county of San Mateo from the southern part of San Francisco County. After the initial chaos of the early years of the gold rush, the growth of these two counties was more orderly but still robust.

San Mateo County was given a boost by the tragedy of the massive 1906 San Francisco earthquake, when thousands of displaced and terrified residents fled the city and encamped in what became Daly City. As the Bay Area developed, San Mateo County likewise grew as a cluster of communities—each filled with growing numbers of Irish, Italian, Greek, and Asian-Americans moved to the suburbs from ''the City.'' Each of these cities developed its own unique character and flavor, and each has contributed to the diversity and cohesion of our area.

Today—a century and a half after California became our nation's 31st state—the 12th Congressional District continues to reflect the rich diversity of our past and the golden hope for our state and our nation's future. Two elements strike me as particularly significant in this regard, Mr. Speaker.

First, the 12th Congressional District reflects the ethnic complexity of California and of the nation. As The Los Angeles Times (September 8) noted, ''The Gold Rush was a defining moment in the nation's history, a remarkable, virtually overnight influx of people from every quarter of the world.'' In many ways that influx of a diverse population a century and a half ago established the pattern of our state. Ethnic diversity is not just a concept in our area, it is a daily reality.

One quarter of our population in the 12th Congressional District are Asian—Chinese, Filipino, South Asian, Japanese, Southeast Asian and others. Over an eighth of our population is Hispanic with a smaller population of African Americans. A recent article in the San Francisco Examiner on Daly City referred to this diversity in praising the mixture of ''Spanish, Tagalog and Hindi'' heard in the city's markets, and noted that ''ethnic diversity is a source of pride for the community as reflected in its integrated neighborhoods.'' As the State of California moves from a majority white to a ''majority minority'' population and as our nation's population becomes increasingly diverse, the 12th Congressional District is a harbinger of the benefits of a harmonious, ethnically diverse community.

Mr. Speaker, this is not to say that tolerance and multi-ethnic harmony has always been the case in our state. California, as the rest of the nation, has had its share of discrimination and racism. Chinese and other Asians suffered harassment and intimidation during the era of the Chinese Exclusion Act. During World War II, tens of thousands of American citizens of Japanese ancestry were sent to relocation camps. Hispanic-Americans have faced discrimination for using Spanish and maintaining their national cultures. But we have learned, we have made progress, and we continue to struggle with the complications of diversity.

Mr. Speaker, a second element is the importance of the Peninsula and of San Francisco in our state and our nation's economy. A century and a half ago, panning for gold made a few people rich quickly, but those who made the real contribution to our state and our nation's economy as well as real wealth for themselves were the individuals who brought the entrepreneurial spirit which gave rise to such legendary businesses as Levi Strauss, Ghiradelli chocolate, and the Wells Fargo Bank.

A century and a half ago, Gold was discovered at Sutter's fort on January 24, 1848, but the first newspaper story about the discovery to appear in a newspaper in the eastern United States was only published eight months later in the New York Herald on August 19. When California was formally admitted as a State to the Union on September 9, 1850, it required six weeks for the steamer bearing the banner ''California is a State'' to arrive in San Francisco. The celebration of statehood in California did not take place until October 29—a full 50 days after statehood was a reality. Today, California is in the forefront of the instantaneous communication revolution, as Internet communication and e-commerce led by firms in Silicon Valley and San Francisco revolutionize the way the entire world communicates.

Today, Mr. Speaker, we continue to have an ebullient economy in the Bay Area, and this is an important element of our state's contribution to the entire nation. As our distinguished Governor Gray Davis said recently: ''We're experiencing a second Gold Rush. People came here 150 years ago to find their fortune, and the dot-com economy is bringing another generation of risk takers and entrepreneurs. All this energy and vitality helps drive our economy and makes for the robust society we currently enjoy'' (San Jose Mercury News, September 9). Today legendary companies in the 12th Congressional District such as Oracle in the information technology sector and Genentech in the biotech sector are leading the nation in creativity and innovation.

Mr. Speaker, it is important today that we not only mark a century and a half of California's statehood with celebration and congratulation, but that we also use this opportunity to reflect upon how our past has shaped our present and how the decisions we take today will determine our future. If we commit ourselves to continue and strengthen the best of our state's traditions, we can assure that the future for our children and grandchildren will be even more golden than our past.

Mr. STARK. Mr. Speaker, I rise today to acknowledge California's historic 150th birthday celebration. California officially entered the United States on September 9, 1850 but the foundations for the development of California were in place well before this important date. Under the Spanish Empire, the colonization and eventual settlement of California was greatly influenced by the mission system. The missions were founded to secure Spain's claim to land and to teach the native people Christianity and the Spanish way of life. The placement of the missions had a direct impact on the development of California, as the missions fostered agriculture, vintnering, livestock raising, and trade as well as religion.

I am proud to recognize Mission San Jose, a historical mission in Fremont, California and part of the 13th Congressional District. Mission San Jose was founded on June 11, 1797, by Father Fermin Francisco de Lausen. The mission was the fourteenth of the twenty-one Spanish Missions in California and was one of the most prosperous of all the California missions. Mission San Jose was the center of industry and agriculture; its location was chosen for the abundance of natural resources in this region.

In 1868, a giant earthquake shattered the walls and roof the Mission San Jose church. The site was cleared and a wood Gothic-style church was erected directly over the original red tiled mission floor. In 1956, the town of Mission San Jose incorporated with four others to become the City of Fremont. Plans to reconstruct the church of Mission San Jose were begun in 1973. Mission San Jose stands today as a testament to California's history and the influence of the Spanish as part of California's rich heritage.

As we commemorate the Sesquicentennial anniversary of California, I am proud to recognize Mission San Jose and the part it has played in the history of California.

Ms. ESHOO. Mr. Speaker, I rise today to celebrate the 150th anniversary of the State of California and the innovations of its 14th Congressional District. California has numerous historical landmarks, but only one is a garage in Palo Alto where the technological revolution was born. A plaque proclaims this The Birthplace of Silicon Valley.

In 1938, William R. Hewlett and David Packard rented a garage to found a fledgling electronic business and it was here that they produced their first commercial audio oscillator, an instrument that generates audio frequencies used by the broadcast and entertainment industries to test sound quality. Orders soon began to pour in from companies such as Walt Disney, and the Hewlett-Packard Company was born.

By the end of 1939, sales had soared to almost $5,000 a year, and Hewlett-Packard was forced to abandon the garage for more spacious quarters to house their rapidly expanding company. Within 20 years Hewlett-Packard was manufacturing over 370 electronic products and in 1972, H–P introduced the first of its hand-held calculators which would cement the company's place in the forefront of the electronics industry. The company, of course, also manufactures computers and by 1994, H–P's sales in computer products, service, and support were almost $20 billion, or about 78% of its total business.

The garage where Hewlett-Packard began still remains and is a reminder of how great inventions and companies can spring from humble origins. The 14th Congressional District has become the heart of a booming technological revolution that continues to change the world in which we live and expand the boundaries of human and scientific accomplishment. I'm proud to represent this distinguished district and I ask my colleagues, Mr. Speaker, to join me in honoring the 150th anniversary of the State of California.

Mr. CAMPBELL. Mr. Speaker, a leader in the U.S. and global economy, California—in particular, Silicon Valley—is an economic powerhouse. From the quicksilver mercury mines to the high-tech computer industry, as is the case with California as a whole, Silicon Valley has a rich, diverse history. As we turn to celebrate the 150th anniversary of California's statehood, we are prompted to reflect upon our region's natural wealth and, most importantly, to reflect upon the spirit of its people. Mr. Speaker, as I rise to pay tribute to the Golden State's sesquicentennial, I wish to honor those Californians, past and present, whose dedication and ingenuity have made this state one of which I am proud to represent in Congress.

Silicon Valley's first inhabitants, the Ohlone Indians, discovered one of the original and richest mines in California. The discovery of the red ore of mercury (dubbed ''mohetka'' by the Ohlones), however, quickly changed the face of the region. It also impacted the rest of California, as the mercury discovery favorably contributed to the success of gold and silver mining. Andres Castillero, a Mexican cavalry officer, was the first to file a legal claim to the mineral deposit, and was granted title, during the mid-1800s. Following the Mexican-American war and California's entry into the United States, the Quicksilver Mining Company assumed management of the mines in 1864. Like his successors, Samuel Butterworth, first President of the Quicksilver Mining Company, did much to initiate early development of today's Silicon Valley. During his tenure at the Company, seven hundred buildings were constructed to support the quicksilver mining community including a company store, schoolhouse, boarding house, a community center, and church.

Although the bonanza days of quicksilver production are over, and only a few landmarks remain, the century of mercury production and the hard work of early miners have left an indelible mark on California. The same entrepreneurial spirit, which led to the early economic development of California, can still be found in Silicon Valley today. Two recent pioneers, Jack Kilby and Robert Noyce, paved the way for the region becoming a global leader in the high-tech computer industry by inventing the integrated circuit.

It seems that the integrated circuit was destined to be developed. Two inventors, unbeknownst to each other, both designed almost identical integrated circuits at roughly the same time. From 1958 to 1959, electrical engineers Robert Noyce, co-founder of the Fairchild Semiconductor Corporation, and Jack Kilby of Texas Instruments, were working on an answer to the same dilemma: how to make more of less. In designing a complex electronic machine like a computer, it was necessary to increase the number of components involved in order to make technical advances. The monolithic (i.e., formed from a single crystal) integrated circuit placed the previously separated transistors, resistors, capacitors and connecting wiring onto a single crystal (or ''chip'') made the semiconductor material. Kilby used germanium, while Noyce used silcon to create the semiconductor material.

As a result of their novel research, in 1959, U.S. patents were issued to Jack Kilby (awarded the 1970 National Medal of Science) and Texas Instruments for miniaturized electronic circuits and to Robert Noyce (the founder of Intel) and Fairchild Semiconductor Corporation for a silicon-based integrated circuit. After several years of legal battles, however, Texas Instruments and Fairchild Semiconductor Corporation wisely decided to cross-licence their technologies. The first commercially available integrated circuits were manufactured by Fairchild Semiconductor Corporation in 1961. In the same year, Texas Instruments used the ''chip'' technology in Air Force computers and later to produce the first electronic portable calculator. Since then, all computers have begun to employ ''chips'' instead of individual transistors and their accompanying parts.

Like Silicon Valley's economy, the development of the integrated circuit has undergone tremendous change. The original circuit had only one transistor, three resistors and one capacitor—it was the size of an adult's pinkie finger. Today's integrated circuit is smaller than a penny and holds 125 million transistors. The industry generates approximately $1 trillion annually, and ''chip'' technology is considered one of the most important innovations of humankind.

The one thing that has not changed in Silicon Valley: the independent, entrepreneurial spirit of its citizens. Mr. Speaker, as we recognize California on its 150th anniversary, I want to pay tribute to those Californians, especially the native Ohlone Indians, and to Mr. Butterworth, Mr. Kilby, and Mr. Noyce, who have made invaluable contributions to the prosperity of this state and to its people.

Ms. LOFGREN. Mr. Speaker, today I proudly pay tribute to California on its 150th birthday. I would like to congratulate the great state of California and to recognize the Sixteenth District for its contributions to California's rich history.

Mr. Speaker, the history of California begins long before the introduction of Europeans to our land. For centuries the Ohlone, locally the Muwekma, lived in peace and in tranquility along the banks of the Guadalupe River in what has since become the city of San Jose. But centuries of peaceful existence for the Muwekma came to an end when, on November 29, 1797, Spanish Lieutenant Jose Juaquin Moraga established the Pueblo de San Jose de Guadalupe. Created for the purpose of supplying the presidios of San Francisco and Monterey with food, the Pueblo became the first civil settlement in California.

The Pueblo was originally located one mile north of what is now downtown San Jose, but

due to flooding by the Guadalupe River, the Pueblo was forced to move south. With its fertile soil, the new location quickly became a center for agriculture. The rich harvests of the fields attracted settlers, causing the population of the area to rise quickly and steadily.

The rapid growth and development of this area marked an important time in California's history. By 1798 the Pueblo was so widely populated that its inhabitants constructed a one story, adobe Town Hall to meet the citizens' needs. The Hall housed the jail, courtroom, council chamber, and the offices of various governing officials.

One such official—Luis Peralta, an Apache Indian from Tubac, Mexico, was particularly influential in California's development and growth. At the age of sixteen Peralta came to California with two hundred and forty other colonists on the Juan Bautista de Anza Expedition from Mexico. In 1807 the Spanish government appointed him to the position of Comisionado del Pueblo de San Jose, and during his tenure he helped to shape the growth of the Pueblo and the surrounding area. His endeavors in furnishing troop supplies, supervising public works, and keeping the peace earned him good favor in the eyes of the Spanish government. In 1820 Spain granted Peralta 44,000 acres of land, the largest land grant of the time. The grant included the present day cities of Albany, Berkeley, Emeryville, Oakland, Alameda, Piedmont, and parts of San Leandro. Peralta split the land between his four sons: Vincente, Doming, Antonio and Ignacio; they went on to develop and populate the land.

Thanks to the development of the Pueblo and the areas surrounding, this area has continued to grow and flourish through present times. It continues to contribute to California's economy as a center for high tech and manufacturing companies as the ''Capitol of Silicon Valley,'' and ranks second as a national leader in exports. Mr. Speaker, again I would like to congratulate the people of California's Sixteenth District for their influence on the history and prosperity of the state.

Mr. FARR of California. Mr. Speaker, it is with great pleasure that I rise to congratulate California on its 150th anniversary. I would like to take this opportunity to mark the contributions of California's 17th district to California's rich history.

As the site of the Constitutional Convention in 1849, the city of Monterey played a pivotal role in California's admittance to the Union as our 31st state. But, the Monterey region also has a rich history that extends back several millennia before people from around the globe landed on its shores in the 16th century. Native Americans enjoyed an abundance of natural resources as early as 500 BC.

Monterey was later discovered by Spain on November 17, 1542 when Juan Cabrillo spotted La Bahia de los Pinos (Bay of Pines). It wasn't until 60 years later, in 1602, that Sebastian Viscaino officially named the region ''Monterey'' to honor the Viceroy of New Spain who had authorized his expedition.

The Peninsula was first settled in 1770 when Gaspar de Portola and Father Junipero Serra arrived by land and sea to establish the City of Monterey itself. Monterey began its renown as the fiscal, military, and social center of Mexican California when Spain chose the city as the capital of Baja and Alta California in 1776. In the decades that followed, the settlers began to leave the Presidio and expand throughout Monterey.

After Mexico's secession from Spain in 1822, Monterey flourished as Mexico opened up the region to international trade never allowed under Spanish rule and designated Monterey as California's sole port of entry. This booming trade also attracted American settlers to the Peninsula, many of whom eventually became Mexican citizens.

However, on July 2, 1846, Commodore John D. Sloat arrived in Monterey Bay, raised the American flag and claimed California for the United States. The Commodore waited five days before, on July 7, 1846, he finally sent 250 soldiers to land and take possession of the city. Monterey was captured without a single shot being fired. The American occupation lasted until the signing of the Treaty of Guadalupe Hidalgo in 1848, thus making all of Alta California part of the United States.

As the most prominent city in the region, Monterey was the obvious selection as the site for California's Constitutional Convention in 1849. For six weeks 48 delegates of diverse backgrounds met in Colton Hall in downtown Monterey to debate and vote on the final text. The constitution was signed on October 13, 1849, and president Millard Filmore officially welcomed California as our 31st state in 1850.

As the birthplace of American California, the city of Monterey is proud of its contributions to California's statehood. Further, I am proud to congratulate California on its sesquicentennial anniversary.

Mr. CONDIT. Mr. Speaker, as the Great State of California celebrates its sequiscentennial, I would like to recognize the very fine people I have the privilege of representing in the 18th Congressional District.

Located in California's great Central Valley, it is recognized as one of the richest agricultural areas in the world and represents some of our nation's finest resources. Comprising all of Stanislaus and Merced Counties and portions of San Joaquin, Madera, and Fresno counties, the 18th District is within a few hours of all of California's riches, with Merced County being the ''Gateway to Yosemite'' National Park.

Many of the first settlers to the area attracted by gold. Today it is affordable housing, good jobs and the California climate that lure many of the newcomers. I am proud of report the first research university of the new millennium will be built by the University of California in Merced as we pave new paths and start new journeys into a golden tomorrow.

I would be remiss however if I didn't accurately point to the richest of our resources—the people who call the 18th Congressional District home. Within its boundaries are a people tightly woven together by a rich cultural tapestry. Our strength is found in the diversity of our poeple—proud, independent and full of character.

Like the pioneers who once settled our great state, these people embody the same spirit of adventure that will lead California into a prosperous future.

Mr. RADANOVICH. Mr. Speaker, I stand today with my fellow delegates in celebration of the Sesquicentennial of the State of California.

As you know, California was admitted into the union as the nation's 31st state 150 years ago. Since that time, our state has developed into a capital of the arts, a headquarters for business, and a distinguished marketplace for agriculture.

Mr. Speaker, I represent the 19th District of California, which spreads across the farm country below the Sierra foothills from Visalia, south of Fresno, to the mountainous Mariposa County. Most of the landmass I represent is part of the Sierra Nevada, and it contains most of three national parks: Yosemite, Kings Canyon, and Sequoia. I am truly honored and privileged to represent an area so rich in splendor and American history.

Fresno, for example, is a city of both agricultural and industrial importance in California. A creation of the industrial age, Fresno was founded by the Central Pacific Railroad. Its city fathers also bred the local wine grape, developed the raisin industry, and cultivated the Smyrna fig. Now, Fresno County's crops also include cotton, citrus, tomatoes, cantaloupes, plums, peaches, and alfalfa. In fact, Mr. Speaker, Fresno County has grown to currently produce more farm products in dollar value than any other in the country.

My home of Mariposa County is also of great historical significance. At one time it occupied more than one-fifth of the state's 30,000 square miles and is currently home to the oldest working courthouse west of the Rocky Mountains. Made of hand-planed local lumber is 1854, the Mariposa County Courthouse remains the seat of government and justice to this day and is on the National Register of Historic Places.

The courthouse was accepted as a National Historic Landmark because some of the most celebrated and noted civil, mining, and water cases were held in its courtroom: the Fremont land grant title and Biddle Boggs v. Merced Mining Company are but two. During the 1953 centennial celebration of the courthouse, the State Bar recognized the building's significance by declaring it to be preserved as a ''shrine to justice in California.''

As you can see, Mr. Speaker, the 19th District of California has played a fundamental role in California's history. From developing the agriculture industry, to shaping our civil and natural resource laws, the 19th District's cities are models for emerging communities across the country. I am honored to represent this district and to have been a lifelong resident of Mariposa County. Mr. Speaker, please join me in celebrating the Sesquicentennial of the Golden State: California.

Mr. THOMAS. Mr. Speaker, I want to join in commemorating California's 150th year as a State. Our diversity and the pioneering spirit of our people should be clear to anyone who visits the communities in Kern and Tulare Counties in my Congressional District, the 21st.

While the image other Americans have of California is often that of beautiful beaches, high tech industries and outstanding sports teams, the real California stands out when anyone visits Kern and Tulare. These are rural counties where families have built some of the nation's best farm businesses—dairy, cotton, table grapes, oranges, almonds and pistachio nuts. The California oil industry is centered on this area—over half the oil production in California comes from Kern County. At the same time, national public lands, including wilderness areas, provide some of the finest opportunities for recreation anywhere in the United States.

If someone wants to see how Californians have continued to pursue new ideas, how they

work and how they have built strong communities around the use of natural resources and high technology, they ought to come out and meet with my friends in Kern and Tulare Counties.

Mrs. CAPPS. Mr. Speaker, I am honored to represent the beautiful Central Coast of California and to celebrate the 150th anniversary of California's admission to the Union.

The 22nd Congressional District lies on California's Central Coast and is considered one of the most beautiful areas in the United States. The district includes Santa Barbara and San Luis Obispo counties and features a spectacular coastline and majestic mountains. It offers a unique mix of major cities and small towns, bountiful vineyards, farms and ranches, and five highly esteemed colleges and universities.

The Central Coast has a long history which embraces the experiences of Spanish explorers and missionaries, the Chumash Indians, a warm climate and a diverse blend of wildlife. One small town is named Los Osos, or the Valley of the Bears, for the grizzly bears that were once discovered by the explorers and missionaries.

In 1772, Father Junipero Serra, established one of the first missions in the state, the Mission San Luis Obispo de Tolosa because of the region's unmatched beauty and natural resources. Known as the ''Jewel of the Central Coast,'' San Luis Obispo is host to a variety of natural wonders, including 80 miles of pristine Pacific Ocean coastline, rolling green hills, and fresh blue lakes.

Also known for its rich Spanish heritage, Santa Barbara is home to the ''Queen of Missions,'' an 18th century Spanish-style mission, after which much of the city's architecture and style has been modeled. In fact, this cultural gift is celebrated each year with a week-long ''Fiesta,'' or ''Old Spanish Days,'' featuring authentic food, music, and dance.

People from around the world make the Central Coast, my District, their vacation destination. I am proud to call it my home.

Happy anniversary California!

Mr. GALLEGLY. Mr. Speaker, I rise to celebrate the sesquicentennial of California and the 23rd Congressional District of California's role in the Golden State's past, present and future.

Long before California was admitted as the 31st state of the Union, Ventura County was home to Native Americans and Europeans. Father Junipero Serra founded one of his missions in Ventura, an area already known to the Chumash for its great fishing and abundant flora.

As California progressed through the 1800s and early 20th Century, so did Ventura County. First the stage coaches and then the railroad connecting Los Angeles to San Francisco came over and through the Santa Susana Pass, snaking along the Simi Valley, and on out to the coast. Many who passed through Ventura County were captured by the golden hills and lush soil. They stayed and raised cattle, planted apricots and walnuts, citrus trees and avocados.

Or, they harvested the soil in other ways. Black gold is also among Ventura County's riches, and you can actually see oil seeping out of the soil today as you drive up Highway 150 between Santa Paula and Ojai, and in other parts of the county.

When Hollywood began to blossom in the Los Angeles hills, Ventura County became a prime film location. Fort Apache with John Wayne, Columbia's Jungle Jim series with Johnny Weissmuller, and TV shows such as The Adventures of Rin Tin Tin and Sky King were filmed at the Corriganville Movie Ranch.

Movie stars also made their home here, and many still do. Ojai is world-renowned for its arts community.

California's aerospace industry also found a home and a skilled labor force in the 23rd Congressional District. The space shuttle's main engines were designed by Rocketdyne and tested at its Santa Susana Field Laboratory, as were the engines for the Apollo and other space missions.

Much has changed in 150 years, but much remains the same. Agriculture is still Ventura County's number one industry, although it is now shipped throughout the world from Ventura County's very own port of entry, the Port of Hueneme. One of the country's two Seabee bases is in Ventura County, and the Navy's test firing range for the Pacific Fleet is here.

But Ventura County also is helping to lead California and the nation into a better future. Technological and biomedical firms, led by Amgen, have sprouted up along the 101 corridor. With the opening of California State University, Channel Islands, in 2002, high-tech firms will find yet another reason to locate here. And, the school's teaching college will help the nation fulfill its commitment to our children.

Mr. Speaker, California is a state compromised of visionary people with diverse backgrounds but with a common goal to succeed. Its future remains bright for another 150 years.

Mr. SHERMAN. Mr. Speaker, today I join my 51 colleagues from the Great State of California to pay tribute to its 150th Statehood Anniversary and to the 24th Congressional District, which I represent.

From East to West, the 24th runs from Sherman Oaks, America's best-named city, to Thousand Oaks, through the Las Virgenes area to Malibu. It includes thriving business centers in the western San Fernando Valley and one of California's and the nation's most treasured natural and recreational resources, the Santa Monica Mountains.

The Santa Monica Mountains National Recreation Area is the most-often visited unit of our National Park System. Some 33 million American's visit her trails and beaches, some of the most beautiful in the world, every year. Most impressive is its location. The Santa Monica Mountains National Recreation Area is just a few-minutes drive from the major population centers of Los Angeles—its is our nation's largest urban park.

The residents of the Malibu and Las Virgenes areas are neighbors to this extraordinary resource. It is truly a special place to live.

The San Fernando Valley, part of the City of Los Angeles, is itself a large-sized city, with 1.4 million residents. If it were a city of its own, the San Fernando Valley would be the 6th largest U.S. city. It is richly diverse and a great community to live and work in. Proudly, it would be by far the safest of America's 10 largest cities.

Thousand Oaks, a community of more than 100,000 people, is also a wonderful place to work and live. It is an impressive community and is also home to some of my district's most distinguished employers, including the biotechnology giant, Amgen.

As you can see, Mr. Speaker, I believe my district has the best of everything, and so does my state. I am proud to serve the residents of the 24th District of California.

Again, I wish California a happy 150th birthday.

Mr. MCKEON. Mr. Speaker, I stand today with my fellow delegates in celebration of the Sesquicentennial of the State of California.

California was admitted to the Union 150 years ago as the Nation's 31st state. Since that time, California has grown dramatically. This state, once known as part of the ''Wild West,'' has now become a vast metropolitan region of business, enterprise and entertainment.

I represent the 25th district of California, which consists of three major areas: the Antelope Valley, the northwest San Fernando Valley and the Santa Clarita Valley. Each of these areas has contributed a great deal to the heritage of our state.

The Antelope Valley was first settled in 1886 by 50 to 60 families of Swiss and German descent. Desiring to reside in California, these families were told to travel until they saw palm trees. Arriving in the Antelope Valley, they mistook the numerous Joshua trees for palm trees and settled, naming their new town Palmenthal. This name was eventually changed to that of the current city, Palmdale.

The Antelope Valley has often been referred to as the Aerospace Capital of the United States. U.S. Air Force Plant 42, in Palmdale, was the birthplace of the B–1 and B–2 Bombers, the SR–71 Blackbird, the space shuttle and the next generation space shuttle—the X–33. Also, the Boeing Co., Northrop-Grumman, and Lockheed-Martin maintain production facilities here. The Antelope Valley's largest city, Lancaster, is home to a first-class performing arts theater and a popular minor league baseball team, the Lancaster Jethawks.

In the 1930s and 1940s, the San Fernando Valley was known as the ''Horse Capital of California'' because many movie stars would come in from Hollywood to ride horses and enjoy the slower rural pace of life. Even today, in the smaller communities, such as Chatsworth, it is not unusual to see horses tied to the hitching post out back of the Los Toros Mexican Restaurant or the Cowboy Palace Saloon.

Since then the Valley has grown to become a major economic powerhouse in the Southern California area, home to more than 1 million people. Even the powerful Northridge Earthquake that hit on January 17, 1994, could not keep the Valley down. Residents of the Valley pulled together to rebuild their homes and the roads. It is now poised to become a city in and of itself.

The Santa Clarita Valley, located in between the San Fernando and Antelope Valleys, has made many contributions to the history of both California and the United States. For thousands of years, the Valley served as a major migration route for Native American groups as they traveled between the coast and the interior valleys and the great eastern deserts. This is the location of the first documented discovery of gold in California; the oldest existing oil refinery in the world; the first commercial oil field in California; the third-longest railroad tunnel in the world at its completion in 1876; and it is the location of one of the last ''treat train robberies'' in the United States.

In the 1920s, William S. Hart and Tom Mix used the Santa Clarita Valley to create the traditional Western film. The Western film industry continued growing through the decades with actors such as Gary Cooper, Roy Rogers, John Wayne and others. Our quaint little valley created the ideal background for great Westerns such as the ''Lone Ranger,'' ''Wyatt Earp,'' ''Annie Oakly,'' ''Gunsmoke'' and many more.

As you can see, Mr. Speaker, the 25th district has played a vital role in California's livelihood. I am honored to represent this district and to have been a life-long resident of the Golden State. From the days of the Gold Rush, to the current times of the Silicon Valley, California has always had a major impact on U.S. history and the economy. Please join me today in celebrating the Sesquicentennial of this great state.

Mr. BERMAN. Mr. Speaker, I rise today to honor the 150th birthday of the Great State of California, and to pay tribute to California's 26th Congressional District, which I am honored to represent in Congress. The 26th District is located in the Northeast San Fernando Valley and consists of the Golden State and Hollywood Freeway corridors of the Valley, proceeding as far west as Van Nuys and the San Diego Freeway.

Its history was recounted, with some creative license, in the movie Chinatown. Civic leaders encouraged city engineer William Mulholland to build a huge aqueduct from the Owens Valley to give Los Angeles water, and, in 1915, got the city to annex most of the Valley, large tracts of which they had already purchased.

In addition to many neighborhoods of Los Angeles, the 26th District takes in the small independent city of San Fernando, which is home to the beautiful Mission San Fernando, Rey de Espana. This historic building was established by Frey Fermin Francisco De Lasuen on September 8, 1797 as one of a chain of missions built to convert the native peoples to Christianity and to consolidate Spanish power along the coast of California. The Mission Church is an exact replica of the original church, which was built between 1804 and 1806. The walls of the church are seven feet thick at the base and five feet thick at the top. The material used was adobe brick, and those who built it were primarily the native peoples, who were called the Gabrielinos or the Tongva.

During the 1950s and 1960s, the 26th District was home to Holiday Lake at Hansen Dam, one of the most popular spots in the entire San Fernando Valley for family outings. On weekends, the lake was filled with swimmers and boaters and the shores teemed with picnics and games. But in 1969 and again in 1980, floods brought in millions of tons of sand, gravel and silt to Hansen Dam, transforming the beautiful 130-acre lake into a swamp. With the demise of the lake, the other parts of the park fell into disrepair.

By the 1980's, the closing of the lake became a depressing symbol of overall neglect in this low- to middle-income area. From the day I came to Congress, its restoration was one of my highest priorities. In 1999, a fishing lake opened to paddle boats and rowboats and a swimming lake opened at Hansen Dam, making this area once again a central recreational area for Valley families.

The 26th District was hard hit by the recession of the early 1990s. Many workers employed at nearby defense plants lost their jobs in the post-Cold War downsizing, while others were laid off in August 1992 when the General Motors plant located in the heart of the District in Van Nuys shut its doors. The magnitude of unemployment was dramatically illustrated in 1993, when a job fair held at the vacant GM site drew thousands of people.

Today, the worst of that economic crisis seems to be over. Unemployment in the area is down, as it is throughout Los Angeles County, and a major commercial/manufacturing development is rising where the GM plant once stood. In addition, the 26th District continues to be home to a variety of manufacturing facilities.

The Northridge earthquake of January 17, 1994 had its epicenter just west of the 26th and destroyed or damaged many homes, stores, factories and office buildings. In fact, the building that housed the 26th District Office was among those that suffered damage so extensive that it had to be torn down following the quake. A section of Interstate 405 within the District collapsed, a gas leak started fires that consumed 70 homes in Sylmar and an oil line exploded in San Fernando (where the quake flattened 63 homes and damaged another 835.) After extensive rebuilding and retrofitting, however, virtually all vestiges of the damage have been repaired.

In the last 150 years, the San Fernando Valley has changed from an empty open stretch of land into a busy metropolis, filled with houses and businesses, office towers, shopping centers, subdivisions and warehouse buildings. The 26th District is home to the Academy of Television Arts and Sciences, which presents the annual Emmy Awards. Among the notable alumni of the District are actor Robert Redford, who attended Van Nuys High School, and rock 'n roll star Ritchie Valens, of Pacoima.

Mr. Speaker, California's 26th District is one of the fastest growing areas of Los Angeles. I am very proud to represent its citizens in the United States House of Representatives. I ask my colleagues to join the California Delegation today in celebrating the sesquicentennial of the Golden State—California.

Mr. ROGAN. Mr. Speaker, located just minutes from downtown Los Angeles, the 27th District of California has an identity as colorful as the roses that adorn the floats of the locally produced Tournament of Roses Parade. The district sits between the Verdugo and San Gabriel Mountains and encompasses the Foothill communities of Glendale, Burbank, Pasadena, South Pasadena, San Marino, Sunland, Tujunga, La Canada, La Cresenta, Altadena and a small portion of Los Angeles.

The district boasts distinctive neighborhoods, a rich history and a vibrant cultural scene. The ethnic diversity of the district is one of its greatest assets and includes long time White, African-American and Hispanic communities along side growing numbers of Koreans, Filipinos and the nation's largest Armenian community. Another distinction is the Spanish heritage reflected in the abundant mission-style architecture and landscaping that can be found throughout the district.

Every New Year's Day, millions of Americans tune in to see rose covered floats make their way down the streets of Pasadena in the Tournament of Roses Parade and to watch two of the nation's top college football teams compete in the Rose Bowl. Pasadena is also the home of Cal Tech, one of the nation's premier research institutions where the scientists and engineers work together with the Jet Propulsion Laboratory on behalf of NASA to devise the latest techniques in space exploration.

A few miles away, there is a different kind of creativity at work in the many studios that employee writers, set designers, actors and directors who create America's favorite movies and television shows. The 27th District is home to Warner Brothers Studios, Walt Disney Studios and numerous small entertainment companies. In fact even Jay Leno works on his ''Tonight Show'' from NBC Studios located in downtown Burbank.

It is an honor for me to represent the 27th District of California in Congress and to join with my colleagues in celebrating the Seisquintennial Anniversary of our great state.

Mr. DREIER. Mr. Speaker, the San Gabriel, Pomona and Walnut Valleys are home to 17 cities and other communities in northeastern Los Angeles County. It is home to the San Gabriel Mountains and the Angeles National Forest—the most visited part of our national forest system. It's one of the few places in America where you can stand in warm and comfortable 90-degree weather and look up at a beautiful, snowcapped mountain such as Mount Baldy.

Dating from the early days of Spanish settlement in California, my district was home to many ranchos and other agricultural settlements. The complexion of the region changed little over many decades. The completion of the railroad from Chicago late in the 19th century unleashed growth that would eventually remake the entire region. With the advent of access to the east, the San Gabriel Valley began to boom. People flocked to the area in search of better job prospects and a more comfortable climate, and many small towns began to grow along the rail lines. Many of the towns and cities in the San Gabriel Valley today trace their roots to midwesterners who settled in the area beginning in the late 1800's. The traditions and values of those early citizens can still be found today in the small-town atmosphere in cities from one end of the valley to the other—even though the area is part of the sprawling Los Angeles megalopolis.

About the same time as the railroad completion, it was discovered that citrus fruits grew well in the region's rich soil and warm climate. The Valleys became leading producers of oranges and lemons, as groves blanketed the area. The citrus industry brought people and a booming economy which lasted until the second World War. After the war, the citrus groves gave way to housing tracts and growing suburbs. The area remains a diverse mix of residential areas and businesses, small and large. At the same time it is undergoing rapid demographic shifts as the diversity of California continues with the arrival new immigrants from China, India, Mexico and a host of other countries in Asia and Latin America and elsewhere.

Today the area is a blend of old and new. The San Gabriel Valley is home to showcase events such as the annual Pasadena Tournament of Roses Parade and the Los Angeles County Fair. At the same time it is becoming a modern center for high technology. Firms headquartered in the region are at the cutting edge of engineering and construction, of internet commerce, of computer hardware and of

communications technology. The area is also home to the world renowned City of Hope National Medical Center in Duarte and a number of outstanding institutions of higher learning, including the Claremont Colleges. The vibrant economy is increasingly centered around technology and trade and our unique location at the edge of the Pacific Rim.

Mr. WAXMAN. Mr. Speaker, it is a great honor for me to represent the 29th Congressional District, which is a mecca of creative genius and one of the most celebrated districts in the country.

Whether you are enjoying the dazzling beaches, the celebrated Walk of Fame, the shopping on Rodeo Drive, or the magnificent Santa Monica Mountains, the beauty and diversity of the 29th Congressional District captivate the imagination like no other place on earth.

The 29th Congressional District is the world's entertainment capital. From the time the first movie studio was created in 1911, creative visionaries and artisans have flocked to this magical place. Today, thanks to the talent and energy of the thousands of people in the district, the entertainment production industry is the nation's largest exporter. International sales of widely popular American copyrighted works brings tens of billions of additional dollars to our economy each year.

The vision and inventive genius are also on display in the myriad other businesses throughout the district, including high tech firms, e-businesses, unique retail businesses and restaurants, and entrepreneurial start-ups. Not surprisingly, this community contains some of the best informed, technologically savvy, culturally progressive, and politically active people in the country.

Every year people travel from around the world to experience the magic of the 29th Congressional District, a singular place where people's biggest dreams can come true.

Mr. BECERRA. Mr. Speaker, I stand before you proudly to congratulate California, the Golden State, on 150 trailblazing and industrious years. It is often said that ''as California goes, so goes the nation,'' for we are a diverse and forward-looking lot. Well, it might also be said that as Los Angeles—and specifically, the 30th CD—goes, so goes the nation, because we are positively among the most richly multi-lingual and multi-cultural communities in the world. I am proud to represent a district steeped in tradition with landmark communities such as: Koreatown, Chinatown, Eagle Rock, Atwater Village, Cypress Park, Glassel Park, Highland Park, Montecito Heights, El Sereno, Echo Park, Silver Lake, Mount Washington, Monterey Hills, Elysian Valley, Lincoln Heights, Boyle Heights, Mid-Wilshire, and East Hollywood. My district surrounds downtown to the North, West, and East, and contains landmark institutions known to everyone such as the Southwest Museum, Los Angeles City College, Occidental College, Children's Hospital and the Los Angeles County-University of Southern California Medical Center.

Specifically, my district contains over 573,000 people which, much like the city of Los Angeles, is home to a multiplicity of languages spoken. Like California, my district is now a majority-minority region where the number of ethnic minorities, including significant numbers of Latino and Asian American residents, actually form the majority of the total population. In addition, there are large groups of Armenian, Jewish, Russian, and Egyptian Americans who have made their home in the 30th CD. More than half of my constituents were born in other countries, adding yet another dimension to this amazing mosaic of individuals.

Whether visiting Hollywood, attending a Dodger game, or enjoying the culture and cuisine of Koreatown and Chinatown, the 30th CD is a joy to represent. The 30th CD is a wonderful part of the great city of Los Angeles. Mr. Speaker, and my fellow colleagues, I enthusiastically applaud the hard work and contributions of my constituents in the 30th CD, along with those of the other 51 congressional districts who have helped make California what it was yesterday, what it is today, and what it will be in the future . . . a new frontier.

Mr. MARTINEZ. Mr. Speaker, it gives me great pride to rise tonight to celebrate the State of California's sesquicentennial anniversary.

For 150 years, California has been a vital part of the United States. From the gold rush to the high-tech rush, California has been a beacon for millions of our fellow countrymen who have staked a claim in the American dream. The Golden State is truly the enchanted State, home to the entrepreneurial spirit that has built our great Nation.

Mr. Speaker, the history of the 31st congressional district located in the San Gabriel Valley mirrors, in many ways, the history and growth of California. My district is one of the most interesting and culturally diverse in the State. It includes parts of East Los Angeles and extends west to the foothills of the San Gabriel mountains, encompassing the cities of Monterey Park, Alhambra, San Gabriel, South San Gabriel, Rosemead, El Monte, South El Monte, Baldwin Park, Irwindale and Azusa.

The city of San Gabriel is home to the historic San Gabriel Mission, which was founded in 1771 by Franciscan monks. The mission served as a major catalyst in the growth of southern California. It was from the San Gabriel Mission that 11 families left on September 4, 1881, to found El Pueblo De La Reina De Los Angeles. Today, the San Gabriel is a bustling city, rich in culture and history.

El Monte, known as the end of the Sante Fe Trail was the place where people traveling between San Bernardino and Los Angeles stopped. Gold prospectors heading for the gold fields in northern California stopped here before continuing on their trek. El Monte is today the largest city in my district. El Monte is home to hard working families who take pride in their community and heritage.

Mr. Speaker, the city of Monterey Park, which was originally inhabited by Shoshone Indians, is at the turn of the 21st century the home for one of the largest Asian-American communities in the country. Chinese, Taiwanese, and Vietnamese shops, restaurants, and import centers are present throughout the city.

Mr. Speaker, all the cities in my district have their own distinctive character and unique place in the history of southern California. During the past 150 years, the San Gabriel Valley has played an important role in the development of the region, and the valley is indeed extremely well-positioned to continued as vital player in the prosperity of Los Angeles County and southern California.

In closing, Mr. Speaker, I join my colleagues from the Golden State in celebrating California's 150 years of success and wishing my State continued prosperity.

Mr. DIXON. Mr. Speaker, my district lines run from the Harbor Freeway past Baldwin Hills to Culver City; my district includes USC; California Science Center, Natural History Museum of LA County; California African American Museum, Petersen Automotive Museum; and Sony Pictures Studio in Culver City.

Los Angeles was little more than a frontier town in the 1870s when members of the Methodist Episcopal Conference first sought to establish a university in the region. Today, the University of Southern California (USC), located in the culturally and ethnically diverse 32nd Congressional District, is, arguably, one of the country's most preeminent international centers of learning, enrolling more than 28,000 undergraduate, graduate, and professional students. It ranks in the top ten percent of major research universities in the United States.

The 32nd Congressional District is also home to Sony Pictures Studios in Culver City, a major employer in the district, and formerly the home of Metro-Goldwyn-Mayer (MGM), one of the cradles of the motion picture industry in the state. The 32nd also claims a great deal of movie history, including the little known fact that the much heralded 1939 blockbuster movie, ''Gone With the Wind,'' was filmed at the historic David O. Selznick Studios, which was located in Culver City.

Ms. ROYBAL-ALLARD. Mr. Speaker, I rise in honor of the 150th anniversary of the statehood of the great state of California.

On this historic occasion, is it fitting that we taking a moment to observe and celebrate the diverse and distinct cities and communities throughout our state.

The district that I am proud to represent and call home is the 33rd Congressional District of California.

The 33rd Congressional district is a vibrant, diverse area encompassing metropolitan downtown Los Angeles, including Boyle Heights, Little Tokyo, Pico Union, and portions of Chinatown, Filipinotown, Koreatown, and Westlake. The suburban portions of the district include the cities of Bell, Bell Gardens, Commerce, Cudahy, Huntington Park, Maywood, South Gate, and Vernon and parts of East Los Angeles, Walnut Park and Florence.

The 33rd Congressional district houses the civic center of Los Angeles, including the area's courthouses, Los Angeles City Hall, the offices of the Los Angeles County Board of Supervisors, Los Angeles Police Department, Los Angeles Unified School District, Metropolitan Transit Authority, and Immigration and Naturalization Service.

In addition, the 33rd Congressional district boasts a multitude of cultural attractions and resources. The Dorothy Chandler Pavilion, Shrine Auditorium, Latino Museum, Chinese American Museum, Japanese American National Museum, and the Museum of Contemporary Art are located in my congressional district. In addition, the new Our Lady of the Angeles Cathedral is being built in the center of downtown Los Angeles.

Our community also reflects the rich history of the state of California. The district is home to such historic sites such as Union Station, Olvera Street Plaza and the Broadway theater district. In fact, on September 4th of this year,

the city of Los Angeles celebrated its 219th birthday.

The residents of 33rd Congressional district reflect the wonderful diversity of our State. There is a mixture of newly-arrived immigrants families and a strong, established Hispanic community. Ethnic enclaves, like Chinatown, Koreatown, and Japantown, house specialty stores and restaurants that cater to the area's thriving Asian community.

Recently, the 33rd Congressional district proudly hosted the Democratic National Convention. The convention gave Los Angeles and its residents an opportunity to showcase our city to the hundreds of thousands of visitors as well as the millions who watched the proceedings on television. The DNC took place at the recently-opened Staples Center, which also serves as the home for the Los Angeles Kings, Lakers and the Clippers.

I am extremely proud of all that the 33rd Congressional district has to offer and delighted to sing its praises on the 150th birthday of our great state, the State of California.

Mrs. NAPOLITANO. Mr. Speaker, on this Sesquicentennial Anniversary of California's admission to the Union, I am filled with tremendous pride and a deep sense of honor to represent the people of my Thirty-fourth Congressional District, composed of the cities and communities in the Southeast and San Gabriel Valley areas of Los Angeles County including the City of Industry, East Los Angeles, Hacienda Heights, La Puente, Montebello, Norwalk, Pico Rivera, Santa Fe Springs, and Whittier.

Our district is a part of Southern California that is rich in diversity and historical significance from the earliest days through the modern era. In the heart of the 34th district, is the home of Pio Pico, the last governor of Mexican California before the American takeover in 1846. One of California's most remarkable historical figures, he witnessed and helped shape nearly a century of California history. Governor Pico's ancestry includes a mixture of ethnicities, including Mexican, African, Indian and Italian. He built a mansion on what is now a three-acre state park located in Whittier, that was once the headquarters of his sprawling 8,891-acre ranch. Twice the governor of the Mexican State, his life spanned a remarkable era that saw the Spanish, Mexican and American flags fly over his native Alta California.

Early in the American era, Whittier also became the home to a vibrant community of Quakers. It was from this community in a later generation that our Thirty-seventh President of the United States, Richard M. Nixon, was educated at Whittier College. After service in the United States Navy during World War II, he returned to the area to begin his political career and was elected to Congress in 1946.

San Gabriel Mission founded by Blessed Junipero Serra, a Franciscan missionary from Mallorca, Spain, administered the vast lands composing what we know as the ''Los Angeles basin,'' and which were later parceled out into sprawling ranchos to land-grantees during the Spanish and Mexican eras. Following the rancho era when cattle was the principal economic endeavor, these fabulously fertile lands brought forth rich agricultural commodities including citrus, avocado and walnut groves, bean fields and dairy land. Eventually major oil reserves were discovered in what is now Santa Fe Springs and Montebello, which continue producing to this day.

At the end of World War II the sudden demand in housing for returning veterans from throughout the country desiring to raise their young families and populate the massive economic engine of industrial Los Angeles attracted developers to these peaceful and pleasant locales. New homes, schools and churches were built and soon these local communities began to incorporate into new cities. All of these communities share a proud history of the development of the ''Golden State'' and each has a unique and special historical heritage.

California is indeed the greatest state, in population, economy, diversity and worldwide cultural influence. Its magnificent coastal areas, majestic mountain ranges, fabulously fertile agricultural valleys, vast pristine deserts, bespeak an unequaled wealth of environmental diversity. The Great Golden State was, is and will always be the treasure chest of the American experience renowned the world over. For every Californian, native and immigrant, our motto ''Eureka'' says it all ''I have found it!''

Put another candle on our birthday cake, we are 150 years old today? God bless California. Felicidades California?

Mr. KUYKENDALL. Mr. Speaker, today I recognize the 150th anniversary of California's statehood. On September 9, 1850, California was admitted to the Union as the nation's 31st state. Much has changed over the last 150 years, but California still remains one of the world's natural treasures.

At the time of California's entry into the Union, the population for Los Angeles numbered 3,530. As Los Angeles developed and expanded, so did the South Bay. I am proud that the natural beauty of the South Bay remained unchanged over the last 150 years. The shoreline is our livelihood, as California is the gateway to the West.

We are rich in cultural diversity with a population of all races and creeds from throughout the world. California's natural resources are numerous, with some of the most breathtaking landscape in the world. From agriculture to e-commerce, we are a leader in all areas of business. California's 150 years as a state embody the American experience, one of the growth and vision.

I congratulate all Californians on this milestone. We have much to celebrate. The state of California is a model to the nation. I hope the next 150 years are as dynamic as the first 150.

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise with great pride because September 9th marked the 150th anniversary of California's admission to the union. The United States Postal Service is reissuing its California Statehood stamp to honor this event. And all of the 52 members of the California delegation have come together to pay tribute to an important part of our history in the United States.

As the Representative of the 37th District of California and long time resident of this great state, I am happy to join this effort to pay homage to our historical leaders who had the wisdom to form one union of the United States.

My district in particular has made wonderful contributions to the state of California over the past 150 years. The South Bay area has a long and distinguished history that is unique and embraces the essence of Southern California.

The city of Carson has a strong Spanish presence and is home to Dominguez Rancho Adobe, built in 1826. The Goodyear blimp ''Eagle'' also calls Carson home. Goodyear's blimp logs over 400,000 air miles per year and have adorned the skies of Southern California as a very visible corporate symbol of the tire and rubber company.

The Los Angeles community of Watts is home to the Watts Towers. Created by Simon Rodia, the towers rise over one hundred feet tall. Composed of structural steel rods and circular hoops connected by spokes, the towers incorporate a sparkling mosaic of found materials including pottery, seashells, and glass. Rodia's house, destroyed by fire in 1957, resided within the complex.

Declared hazardous by the city of Los Angeles, the towers were threatened with demolition until an engineer's stress test proved them structurally sound. They have since been designated a cultural monument.

The city of Long Beach has a past deep in Spanish history. Created by a land grant given to soldier Manuel Nieto, the city was planned out in 1882 as Willmore City by developer Williman Willmore, and a new town began forming along the coast. Long Beach serves as home to the historic Queen Mary.

Partially adjacent to Long Beach is the community of Habor Gateway and serves as the entrance to the Los Angeles port area. People from around the world visit and call the South Bay area home. I am proud to call the 37th Congressional District home.

Happy Anniversary California!

Mr. HORN. Mr. Speaker, as we celebrate California's 150th anniversary of statehood, this is a good time to reflect on the vast change that has occurred in this former Spanish Colony. Since California was admitted into the Union as the nation's 31st state on September 9, 1850, the state has grown to become the world's fifth largest economy.

California's history before and after statehood includes vital contributions by Hispanics and Native Americans. One of the most important has been the system of 21 missions founded by Father Junipero Serra that began in San Diego and extended over 600 miles to the north. The contributions of the missions in education and in producing clothing and food were integral in California's early development.

California has often been referred to as a bellwether state—a place where people challenge the assumptions of the present to give America a glimpse of the future. This is fitting for a state settled by far-sighted, brave individuals willing to risk everything for a second chance. Americans and others from around the world have seen California as a place to seek a better life. When Los Angeles was founded in 1781, its residents included people of European, African, and Native American ethnic backgrounds. Chinese immigrants built railroads and agricultural infrastructure in the 19th Century. In the 1880's the first direct rail connection between Southern California and the East brought hundreds of thousands to the Southland.

In the 38th District, the historical attractions include Rancho Los Cerritos, an 1884 colonial style-adobe that was once a working cattle ranch, and Rancho Los Alamitos Historic Ranch and Gardens, which was built in 1806. The port of Long Beach is home to the historic *Queen Mary*, once called the Queen of the Atlantic and arguably the most famous ship in

history. The *Queen Mary* began its maiden voyage in 1936, served as Winston Churchill's seaborne headquarters, and played a part in the major Allied campaign of the Second World War. Long Beach is also home to the Boeing C–17 military transport plant and the Sea Launch base that sends satellites into space. Additionally, the Apollo space capsules and the space shuttles were built at the NASA plant in the city of Downey.

This 150th anniversary celebration of California's statehood is as much an occasion to look forward to the future as to reflect on the past. If we live up to our state's long tradition of progress, diversity, and national and international leadership, California can look forward to another 150 years of success.

Mr. ROYCE. Mr. Speaker, I rise to pay tribute to the 150th anniversary of the founding of the golden State of California.

From the port of Long Beach to the North Orange County region, the 39th Congressional District is one of the many examples of the state's remarkable diversity. This area was once thriving farmland, rich in oranges, lemons, avocados, and walnuts. Agriculture was the first important industry. With orange groves being so abundant, Orange County was named after the fruit.

Many industrious individuals flocked to this area, like Walter Knott, who began the Knott legacy in Buena Park. He used to sell jams and jellies at a roadside stand. Mrs. Knott began serving up fried chicken dinners to those waiting in the lines, and they soon added a restaurant to accommodate more people.

Mr. Knott wanted to build something as a tribute to the Old West and the pioneers who paved the way. The idea of a ghost town was born, which eventually evolved into the Knott's Berry Farm amusement park. Its original purpose was to educate and entertain and it still does today.

The district has undergone tremendous growth since the days of the orange groves. The neighboring metropolis of Los Angeles burst at the seams and the population spilled across the rural valley. In its wake, the farmlands were replaced by an urban landscape of homes, shopping malls, and industrial parks.

Today, Orange County is home to a vast number of major industries, the most prominent being the high-tech, telecommunications, and entertainment industries.

Throughout its existence, this area has continued to thrive. No other environment is more conducive to innovation and creativity than this sun-blessed region of Southern California.

Mr. LEWIS of California. Mr. Speaker, as California celebrates the 150th anniversary of statehood, I would like to share with my colleagues a little of the history and special characteristics of the 40th Congressional District—the largest in the state—which I am proud to represent. That history stretches long before California became a state—and indeed long before the history of the West was recorded.

The 40th district stretches from the peaks of the Eastern Sierra Nevada to the fast-growing cities of the San Bernardino Valley, on the eastern edge of the Southern California urban area. The heart of the district is the Mojava Desert, which has long been known as a gateway to the Pacific Coast since the Mohava Indians forged a trail west from the Colorado River to trade with coastal tribes. The route eventually was followed by the Union Pacific and Santa Fe railroads, and then by Route 66, the Mother Road that is still celebrated by tens of thousands of people at events in Barstow and San Bernardino.

The 40th Congressional District today boasts the highest point and lowest point in the ''lower 48'' states. Mount Whitney, at 14,495 feet, is the highest peak along the towering mountain chain known as the Sierra Nevada. The lowest point at 282 feet below sea level, is the Badwater area of the desolately beautiful Death Valley National Park. The two points are among many that make the district an outdoor recreation paradise. Other desert parks include Joshua Tree National Park and Mojava National Preserve. The Owens Valley, where the mountains meet the desert, is the gateway to such nationally known treasures as Sequoia National Park and the Mammoth Lakes ski resorts.

Southern California residents known that they can find world-class skiing and summer hiking trails much closer to home, in the 40th District's San Bernardino Mountains, which provide a snow-capped backdrop to the sunny Southland. Tucked under those mountains are some of the nation's fastest growing communities.

Mr. Speaker, the 40th Congressional District makes a huge contribution to our nation's defense as the home of the Army's National Training Center at Fort Irwin, the Marine Corps Air-Command Combat Center at Twentynine Palms, Edwards Air Force Base and China Lake Naval Air Warfare Center. Two recently closed installations—George Air Force and Norton Air Force Bases—are being transformed into new commercial air hubs to handle the region's burgeoning air cargo and passenger needs.

The 40th Congressional District has a wealth of universities and colleges, including fast-growing California State University, San Bernardino, the prestigious University of Redlands, and Loma Linda University and Medical Center, known nationally for its infant heart transplant program and for the first proton beam accelerator used in ground-breaking cancer treatment.

Mr. Speaker, from the discovery and mining of gold and silver to the training ground for Gen. George S. Patton's World War II tank brigades, the 40th Congressional District's history is intertwined with California's and the nation's. It is an honor to represent a district that contains such a wealth of resources, and such hard-working, forward-looking constituents.

Mr. GARY MILLER of California. Mr. Speaker, I rise today to recognize the Sesquicentennial of the great State of California's admittance to the Union. This event took place on September 9, 1850 and made California the 31st State of the United States of America.

The 41st District, which I represent, is part of what makes California special. It is centered in the area that is known as the Inland Empire on the point where Los Angeles, San Bernardino and Orange Counties come together. Decades ago, it was home to mostly orange groves, farmers and dairymen. But during the 1980's, the Inland Empire developed into a booming economic region as a result of the expansion California experienced in that time.

This district is home to many terrific cities including Chino, Chino Hills, Upland Montclair, Walnut, Diamond Bar, Brea, Rowland Heights, Ontario, Pomona, Yorba Linda and Plancentia. The international airport in Ontario is quickly becoming a major airport hub for passengers and cargo heading overseas. Pomona is the host of the Los Angeles County Fair each year. Yorba Linda is the birthplace and resting place for former President, Richard Nixon, and home to the Nixon Presidential Library. The 41st District is also the home of California State Polytechnic University, Pomona. The Collins School of Hospitality Management at Cal Poly Pomona is considered to be among the top ten hospitality management schools in the United States.

I am very proud to be a resident and the Representative of the 41st District of California. It is with great pride that I recognize the Sesquicentennial of California, the greatest State in the Union.

Mr. BACA. Mr. Speaker, this year we celebrate California's 150th anniversary of the state's admission to the union. The 42nd Congressional district of California has undergone many changes over the years.

For many years San Bernardino was the gateway to the Los Angeles Basin, situated on flat land where the route through the twisting, windy Cajon Pass took passengers on the Santa Fe Railroad and motorists on U.S. 66 from the hot and dusty high desert to the greener, tree-lined basin.

There were orange groves around the little railroad towns and vineyards to the west; this was an agricultural zone until World War II, when Henry J. Kaiser built the West Coast's first major steel mill between the Santa Fe and Southern Pacific lines in Fontana, just west of San Bernardino.

In the 1950's Ray Kroc traveled to California upon hearing about the McDonald's hamburger stand in San Bernardino running eight Multimixers at a time. Kroc had never seen so many people served so fast. Kroc pitched the idea of opening up several restaurants to Dick and Mac McDonald. Today the restaurant is an international chain.

In the 1990's the region weathered military base closures and realignments, as well as aerospace firm downsizing. But we have rebuilt, and today the Inland Empire has a thriving economy and is projected to be one of the fastest-growing areas in the United States.

Today the region has great strengths—We have inexpensive land, extensive transportation systems, including trucking hubs, a large employment pool, low unemployment, strong growth in construction, distribution, and manufacturing industries, and 23 colleges and universities, which are engaged in cutting edge research, including CE–CERT at U.C. Riverside, which is doing research on automotive technologies of the future.

IVDA/San Bernardino International Airport is poised to turn Norton Air Force Base into a high-tech incubator, through legislation I authored to provide tax incentives to businesses (AB 3, 1998). We hope to create 15,000 high-tech jobs in our region through incentives as a result of that legislation, such as 15 year net operating loss carryover, sales and use tax credits, expedited permit processing, and the creation of local incentives for employers.

We are also working to create a regional partnership with Orange County to make San Bernardino International Airport viable for businesses.

California and the Inland Empire will be a hub for the commercial space business and industries of the future. High technology will

be the key, in this decade and in the next 150 years of our state.

Scientists are working on advances that push the frontiers of science, such as new devices that can store the content of the Library of Congress on a computer the size of a sugar cube, and robots no bigger than a thumbnail. As a member of the Science Committee, I have been pleased to support these efforts.

This research will have very real benefits for California and the Inland Empire in terms of job creation and economic growth. If anyone has any doubts, look at the Internet. The Internet started as a federal research tool, and is responsible for one of the longest economic booms in history.

In addition to the above initiatives, we will continue to work on projects such as completing the Alameda Corridor, making it a route that ultimately could link us with Mexico; bringing high speed rail to the Inland Empire, and creating an Inland Empire distribution center. We are building Tech Park, a 120-acre business park to house high tech businesses.

We are also working to revitalize downtown San Bernardino with a new courthouse, through SB 35 (Baca), which provides local funding, and we have been working on federal funds.

In summary, it has been a long road from the hot and dusty origins of our area to the thriving high-tech future. But as our state celebrates its 150th anniversary, we have many changes to look back on. Our past achievements are filled with pride, our future promise is great.

Mr. CALVERT. Mr. Speaker, I rise today with the whole of my delegation to commemorate the 150th anniversary of the great state of California joining the United States of America. As the 31st state to join the union, nobody at the time could have predicted the incredible breadth of agriculture, business, military prowess or diversity that California would and continues to contribute to the nation.

My own small corner of California, anything but small really, encompasses western Riverside County, including the cities of Riverside, Corona, Norco, Lake Elsinore and Murrieta. In fact, Riverside County is the fourth largest county in the state, stretching nearly 200 miles across and comprising over 7,200 square miles of fertile river valleys, low deserts, mountains, foothills and rolling plains. Between 1980 and 1990, the number of residents grew by over 76%, making Riverside the fastest-growing County in California. By 1992, the County was ''home'' to over 1.3 million residents—more than the entire population of 13 states, among them Maine, Nevada, Hawaii and New Hampshire.

Of course I would be lax in my position as the Representative to the 43rd Congressional District if I did not add that it is also the most impressive district in California. Founded in 1870 by John W. North and the Southern California Colony Association, the City of Riverside took off and has never looked back. In its infancy Riverside became known for its many citrus groves, palm lined avenues and wide array of subtropical shade. The region became famous for its citrus and horticultural industries that over time gave way to military and industrial growth, and education.

In fact, in 1907, Riverside became the home to the University of California Citrus Experiment Station, sponsoring wide-ranging research that greatly benefited agriculture in the region. The site was established as a campus of the University of California fewer than 50 years later in 1954. Today, the University of California at Riverside has earned a reputation as one of the pre-eminent teaching and research institutes in the world.

Agriculture continues to be a cornerstone of UC Riverside as California continues as the nation's top agriculture state, a position it has held for more than 50 years. From Humboldt County in the north to Imperial County in the South, California agriculture is a blend of valleys, foothills, coastal areas and deserts where a bounty of superior agricultural products unmatched anywhere in the world grow.

My home district also offers up its beautiful architecture to those who visit. Its ''Mediterranean image'' derives from the many examples of fine architecture in the California Mission Revival and Spanish Colonial styles that grace its landscape. The best known example being the Historic Mission Inn, in the City of Riverside, which was built between 1902 and 1932 by Frank A. Miller and his partner Henry Huntington. Bette Davis and Humphrey Bogart were married there. Teddy Roosevelt was its first Presidential guest. Richard and Pat Nixon exchanged wedding vows at the Inn. Ronald and Nancy Reagan began their honeymoon in its Presidential Suite.

Mr. Speaker, the 43rd District has obviously seen rapid growth and change over the past 150 years. We are proud to join our other friends across California in celebrating our great fortune and success as a State. California is guaranteed to continue as cornerstone of agriculture, education and industry in the next 150 years to come. Happy Birthday California!

Mrs. BONO. Mr. Speaker, in many ways, California's 44th District represents the Golden State as a whole. Rich in its geographic, environmental and cultural diversity, this area within what is now known as the ''Inland Empire,'' has a vibrant past and promising future. The district contains towering alpine peaks and forests, arid expanses of unforgiving desert, rich agricultural fields—even beaches at the great inland Salton Sea and on the banks of the mighty Colorado River. Today, this region has fulfilled the vision of early settlers and exceeded expectations of even the most optimistic boosters.

The 44th District was first home to the southern California's indigenous desert tribal people—the Cahuilla Indians. From the high mountain peaks of Mt. San Jacinto to the depths of the Salton Sink, these tribal bands lived in harmony with a sometimes harsh but amazingly rich environment. The Cahuilla culture is still a respected part of the current desert community, and their magnificent Indian Canyons stand as a testament to their sound stewardship of these native lands. The Cahuilla people welcomed the Spanish explorers who were the first westerners to travel deep into the southern deserts, sharing the trails and watering holes that meant the difference between life and death in the forbidding expanse.

Later, settlers from first Mexico and later the United States traveled to the region—most establishing rancheros and farms as the earliest economic enterprises. These hardy souls fought against unimaginable hardships to carve out a living in this arid and sometimes hostile environment. But, they persisted, and some thrived. When California was granted statehood in 1850, the residents became U.S. citizens. By the late 1800's the railroads had become part of the landscape, transporting new arrivals to the coastal regions of southern California. Some never got that far, instead making their home in what is now Riverside County.

From the beginning, the Cahuilla people had recognized the restorative powers and healing benefits of the agua caliente or ''hot waters'' of the desert springs. Soon, residents and visitors made the pilgrimage to Palm Springs to soak in the hot springs and find comfort in the dry desert climate. Enterprising farmers in the Coachella Valley began raising dates, grapes and other crops that could withstand the dry conditions and often searing desert heat.

During the same period, the Hemet and San Jacinto Valley attracted farmers and ranchers to its rich and productive lands. Cattle ranches, citrus groves, and a variety of different types of produce thrived in this fertile valley. But, as in all of southern California, the need for a steady supply of water limited the agricultural growth of the entire region.

Today, most Americans would have a difficult time imagining the southern California of our not so distant past. The miracle that changed the landscape was the introduction of a reliable source of water for irrigation and development. Shortly after the turn of the century, that need resulted in the creation of the Salton Sea when the Colorado River breached the holding dikes that had been constructed to route fresh water for irrigation to the eastern Coachella Valley. With the creation of the Sea and the establishment of efficient irrigation systems the unthinkable happened. A once hostile desert became a rich agricultural center. And with the new political clout enjoyed by the southern California water districts and departments, eastern Riverside County found a dependable source of water for its residents and agricultural concerns.

As the population grew in southern California, so did the reputation of the Hemet/San Jacinto and Coachella Valleys. Hemet became a favored destination for those seeking space, fresh air and community. The area around Palm Springs became a favorite vacation spot for luminaries as varied as Albert Einstein and Errol Flynn. Hollywood discovered the desert resort region and flocked to Palm Springs for sun, tennis, bathing, and later, golf. The region thrived and the population grew fast. By the middle of the last century, Palm Springs had become world renowned as a vacation haven.

Following WWII, the growth in southern California continued at an unprecedented pace. The Inland Empire had not yet received its status as one of the fastest growing regions in the country, but, it was enjoying steady and significant population increases. Improved water delivery systems and infrastructure enabled the eastern Riverside County region to handle the rapid expansion. From a few sleepy desert towns, the Coachella Valley transformed itself into nine separate municipalities with nearly a quarter million residents—seemingly overnight. The communities of Hemet and San Jacinto, along with many smaller cities in the valley and pass region between the city of Riverside and the southern

deserts also grew. However, these communities had been established earlier as residential centers and their growth was not as dramatic. The city of Temecula and the surrounding countryside became a rich wine producing center, with several local wineries achieving international prominence.

As California celebrates its sesquicentennial, the Inland Empire and the 44th district have achieved an important place in the history and future of the Golden State. The growth continues, the economic expansion is strong, and the diversity of the people and the environment prevail. The history of this great state is made rich through the contributions of individuals too numerous to list here, but to the people who chose to make southeastern California home their stories and names are familiar. As the inscription on the Capitol Building in Sacramento, California, reads: Give me men to match my mountains; the people who built the communities of the 44th Congressional District reflect that greatness and grand vision. Today, as we honor the great state of California on the occasion of her 150th anniversary, we honor also the memory of all those who contributed to her story. I want to extend special recognition to the people of California's 44th district, past and present, who made their personal commitment to the Golden State.

Mr. ROHRABACHER. Mr. Speaker, when California was admitted as a state 150 years ago, Southern California paled in comparison to the northern part of the state, which was famous for the gold rush and the new City of San Francisco. The 45th Congressional District and surrounding areas hardly qualified even as a rural backwater, being made up primarily of swamps and cattle ranches. In the late 1800's farming gradually replaced ranching and spurred the conversion of coastal swamps and river flood plains into habitable land. Huntington Beach, which is today a booming city of over 200,000 people that forms the core of the 45th District, didn't even get its start until 1902, when a group of farmers and other investors decided to found ''Pacific City'' in an attempt to emulate the success of Atlantic City on the East Coast. This venture then got bought out by a group of Los Angeles businessmen headed by Henry Huntington, in whose honor the town was renamed when he brought his Pacific Electric Railway into town.

The area that became the 45th District gained in population as tourism, the oil industry, and world war each took their turn as a spur to local growth. Our area played a major role in winning World War II, serving as the site for both the Seal Beach Naval Weapons Station, which even today supplies a major portion of the Navy's firepower and the Santa Ana Army Airfield. This airfield was the staging ground for G.I.'s shipping to the war from around the country, and can be credited in and of itself as a major spur to Orange County's population growth as G.I.'s experienced the pleasant Southern California climate first hand and many moved their families there after the war. Although this huge airfield was decommissioned after the war, the land on which it sat was put to good use—it is now the site of John Wayne Airport, the Orange County Fairgrounds and Orange Coast College.

Huntington Beach has become known during the last half of the 20th Century as ''Surf City,'' becoming the nation's prime area, hosting the first U.S. Surfing Championships in 1959 and major national and international surfing events since then.

Just as with World War II, the Huntington Beach area played a major role in winning the Cold War, providing the home for much of the nation's aerospace industry. Famous corporate names from the past: Douglas Aircraft (later McDonnell Douglas) and North American Rockwell have come under the umbrella of the Boeing Corporation, which today is by far the region's largest employer and still plays a major role in producing aircraft, satellites and rockets for both our both our military and our nation's space program.

It's appropriate that an area so closely identified with our nation's freedom became the final destination for a majority of Vietnamese refugees escaping communism after the Vietnam War. The 45th District is home to Little Saigon, the heart of the largest concentration of Vietnamese people in the world outside of Vietnam.

Mr. Speaker, I am proud to represent a district that represents our nation's finest traditions in not only serving our country in the cause of freedom, but also in knowing how to have a good time. The 45th District epitomizes my own personal motto—''Fighting for Freedom and Having Fun.''

Mr. COX. Mr. Speaker, it is with great pride that I rise today to celebrate the sesquicentennial anniversary of statehood for the great state of California. For 12 years, I have had the privilege to represent the 47th Congressional district, which is nestled in the heart of Orange County. Our State was created out of territory ceded to the United States by Mexico in the Treaty of Guadalupe Hidalgo. It officially became the 31st State in 1850 with a population of 92,597.

Orange County was created in 1889, after residents of the southern part of then Los Angeles County felt they were not getting the attention they deserved from county officials and wanted a county seat nearer home. Santa Ana, which had grown recently due to the discovery of silver in the Santa Ana Mountains, was named the county seat.

Today, with a population of nearly 3 million people and an annual economic output of over $110 billion, Orange County is one of the most successful and diverse hi-tech centers of commerce in the world. Its economy is larger than all but 31 nations in the world—ranking ahead of Israel, Portugal, and Singapore. Orange County's diverse population is larger than 20 states, and its economy is bigger than 25 states. It is one of California's top exporting regions, behind only Silicon Valley and Los Angeles, and tied with San Francisco. Orange County exports more than $12 billion worth of goods each year, from computers to state-of-the-art medical equipment, biotechnology, and other ultra-sophisticated technological goods. In just the last three years, high-tech exports from Orange County companies have grown by 53 percent.

Orange County is home to some of the most beautiful beaches in the world, stretching for miles along the Pacific Ocean between Los Angeles and San Diego. The ''Places Rated Almanac'' has selected Orange County as the best place to live in the nation, ahead of more than 350 other metropolitan areas. Orange County is a national center for higher education. Universities and colleges in my district include the University of California, Irvine, where I serve on the Advisory Board of the world-class Brain Imaging Center, and Chapman University, on whose Board of Trustees I serve. Orange County has also been home to the world-famous Festival of the Arts and Pageant of the Masters for 68 years. In addition, Laguna Beach, the southernmost point in my district, is a year-round haven for artists and craftsmen, and its entire coastline has been declared a ''Marine Life Refuge'' to protect and preserve the rich variety of marine life forms for all to observe and enjoy.

The Anaheim Angels baseball team and the Anaheim Mighty Ducks hockey team make their homes in my district. The Anaheim Pond, home of the Ducks, is also the second most active concert venue in America, behind only Madison Square Garden. Finally, Orange County is home to the Ronald Reagan Federal Courthouse, authorized in legislation I wrote as a member of the House Public Works Committee in 1992. Once again, it is with great pride that I stand here today to mark 150 years of prosperity and leadership for the great state or California, and to recognize Orange County's important role in our state's history and future success.

Mr. PACKARD. Mr. Speaker, today I would like to take a moment to recognize the great State of California. One hundred and fifty years ago, California became a part of the United States of America. On September 9, 1850, President Millard Fillmore signed a bill admitting California as the 31st State in the Union.

In the early 1800's, settlers very slowly filtered into California until 1848, when gold was discovered at Sutter's Mill. Suddenly, people from all over the world looking to strike it rich flooded through San Francisco. They traveled up the Sacramento River to the gold fields. It was this discovery of gold that hastened California's statehood.

In September 1849 a convention met at Monterey and adopted a state constitution. The constitution was approved by popular vote on November 13, and on December 15 the first legislature met at San Jose to create an unofficial state government. The Compromise Measures of 1850, a series of congressional acts passed during August and September 1850, admitted California as a free, or nonslave, state. On September 9, 1850, California became the 31st state in the Union. The state capital was moved successively from San Jose to Monterey, Vallejo, and Benicia. In 1854 it was located permanently at Sacramento.

The 48th District of California, which I represent, was created in 1982 after the 1980 Census. It has been described as the most agreeable climate in the continental United States. This district has the beautiful scenery, which is typical of California. The location occupies the southernmost portion of Orange County, the North County part of San Diego County and a small slice of Riverside County, the instant town of Temecula. It includes the seaside communities of San Clemente and San Juan Capistrano, where the swallows famously return every year. The well-known Old Spanish Mission at San Juan Capistrano is located in the quaint little town located above the shores of the Pacific, halfway between San Diego and Los Angeles.

Inland, there are the newer communities of Mission Viejo and Laguna Niguel; just south of Pendleton in San Diego County are Oceanside and Vista. Farther inland amid the hills

are Fallbrook and, in Riverside County, Temecula, in the mid-1980s a corner-grocery town serving a vineyard district, now the center of an area with 100,000 people, mostly commuters to Orange County and Riverside attracted by low-priced homes and traditional values. Growth has been and continues to be a factor in this area of southern California.

California has a rich history. It is the 3rd largest state in area and the largest state in population. California has the largest population of Native Americans, a continuing growing Hispanic population and a large Asian population, all of which help California to lead the nation in cultural diversity. I am proud not only to represent this area in Congress, but also to be a resident of the wonderful state of California. I would like to wish a Happy Anniversary to the 31st State of America.

Mr. BILBRAY. Mr. Speaker, this is a great time to reflect on the greatness of our country. With California celebrating it's 150th anniversary of the state's admission to the union, one automatically recalls that inspiring phrase, ''Go West, young man!'' and the beginning of our trail blazing history. As Californians, we can rejoice in the adventurous and rugged spirit of our forefathers and be grateful that these men and women were willing to risk life and limb for a new and unknown life in California. Just envisioning those covered wagons poised on the pinnacle of the Sierra Mountains and looking down on the promised land brings a shiver to my soul. Those were truly trying times and those first California settlers were truly brave people.

I am proud of my roots—my father is from the East, specifically Alabama, and my mother is from Northwest Australia. However, my family and I are grateful for those brave spirits who ventured from the East because we now have the opportunity to benefit from their risk and foresight.

San Diego is the jewel of California, and I have had the privilege of representing one of the most beautiful and inspiring districts in our nation. San Diego is the area where Father Junipero Serra set up one of the first missions in California. This early history can be explored in the preserve of Old Town San Diego.

Presently, the residents of San Diego relish in telling all of their friends and relatives outside of Southern California about the incredible weather they enjoy year round—70 degrees and no humidity! California's 49th congressional district boasts such natural wonders as the sensual coastline from its southernmost point in Imperial Beach to the rocky cliffs of Torrey Pines' nature preserve. The 49th also holds in its stead the tranquil, deep waters of the San Diego Bay, which is home to Sea World as well as large naval bases that rival the ports of Hawaii—North Island Naval Air Station and the 32nd Street Naval Station. With San Diego being blessed with both an awesome shoreline and an incredible bay, residents and tourists alike can enjoy surfing and sunning on the beach or sailing and kayaking on the bay all year round.

An event that I enjoy the most is Sand Castle Days held every August in my hometown of Imperial Beach. This is a world-renown event that gathers the best amateur and professional sand castle designers from around the country and the world in the tiny Southern California beach town. Every year, we are surprised by the intricate designs created by the simple substance of sand.

If cultural arts are on your agenda, San Diego has set the stage for such incredible Broadway productions as ''Damn, Yankees'' and a revision of ''Hair'' from creative playhouses like the La Jolla Playhouse and the Old Globe Theater in Balboa Park. Each September for a weekend, the streets of downtown San Diego come alive with the hip and grooving sounds of homegrown musical groups as well as famous, well-established rock bands during a phenomenal music festival known as ''Street Scene.'' The 49th also has a diverse collection of famous art museums—from the modern art of the La Jolla Contemporary Museum of Art to world classics at the San Diego Museum of Art or American artists at the Timken Museum of Art or native pieces from around the world displayed at the Mingei International Museum.

Balboa Park is a cultural center located in the heart of the 49th District. It is a serene, green oasis situated in the middle of a bustling major metropolis. Not only is the San Diego Museum of Art located in this vast cultural enclave, but adults and children alike can learn about the wonders of science at the Reuben H. Fleet Science Center, delve into man's past at the Museum of Man, and be engulfed in the beauty surrounding us at the Natural History Museum.

The most popular world famous attraction in the area is the San Diego Zoo. Just this past summer, our zoo became one of the first in history to have a baby Giant Panda live past her first year after being born in captivity. Hua Mei has become the biggest celebrity in San Diego. Visitors from all over the world have made special trips to catch a glimpse of this giant bundle of joy. But long before Hau Mei's birth, the world famous San Diego Zoo has seen the births of many beautiful creatures, such as black rhinos, giraffes, and many endangered species.

Another famous site in San Diego is located on the island city of Coronado. Hollywood superstars have flocked to the legendary and historic Hotel Del Coronado. The ''Hotel Del'' built in 1888, as one of the oldest standing wood structures of Victorian architecture is a national historic landmark that has a rich and colorful heritage. Ten U.S. presidents have stayed in this extraordinary hotel, starting with Benjamin Harrison in 1891, and since Lyndon Johnson, every president since has visited the ''the talk of the Western world.'' Charles Lindbergh was honored at the Hotel Del after his successful transatlantic flight. Subsequently, the international airport in downtown San Diego is named after this famous aviator—Lindbergh Field. In 1958, the outrageously funny movie ''Some Like it Hot'' with Marilyn Monroe, Jack Lemmon and Tony Curtis used the Hotel Del as a stage and backdrop.

Speaking of celebrities, San Diego has also been the home of such movie celebrities as Gregory Peck and Rachel Welch, who grew up on the beaches of La Jolla, and Eddie Vedder, lead singer for the popular rock group, Pearl Jam, spent much of his youth at the clubs and beaches of San Diego. Surfing sensation and Nobel Prize recipient Kary Mullis is a friend who continues his research at UCSD. Helen Copley is a powerful newspaper woman who still boasts the only major newspaper in the area, the San Diego Union Tribune. The famous scientist who discovered penicillin, Dr. Jonas Salk, called La Jolla home and also founded the internationally acclaimed Salk Institute, where scientists from around the world come to study and make scientific breakthroughs. Marine biologists enjoy the access to the sea from their perch in La Jolla and contribute to the Stephen Birch/Scripps Aquarium.

Dr. Roger Revelle established a name and reputation in the area, and is responsible for the academic achievements and popularity of the University of California at San Diego. Other major universities in the 49th District, include the private and catholic University of San Diego, San Diego State University, and Point Loma Nazarene College. Golf enthusiasts can enjoy the same course played by professionals of the PGA at the public Torrey Pines Golf Course, while watching hang gliders glide off the rocky cliffs or sunbathers at world famous Black's Beach.

Grabbing food in San Diego is a delicious and unique experience—from the quick service of authentic fish tacos at local sensation Rubio's Restaurants to the more formal and decadent dining at any of the restaurants located in the historical Gaslamp District in the heart of downtown San Diego. And no one can visit San Diego without sampling the delights of authentic Mexican fare while viewing the adobes and churches of the first San Diego settlers in historical Old Town. The activities, people and places in California's 49th Congressional District are as numerous and diverse as its residents. There is no other place like it in the world and it is an honor representing its interests and people in Congress.

Happy Birthday, California! And a big thank you to those brave men and women who risked their lives to conquer the unknown and establish such a wonderful place as San Diego and the State of California.

Mr. FILNER. Mr. Speaker, on the occasion of the 150th anniversary of California's admission to the Union, I rise to bring attention to the 50th Congressional District of California—an urban district in southern San Diego County and the southernmost district in California, bordering Mexico.

I am proud that it is one of the most ethnically diverse congressional districts in the nation. No racial or ethnic group is in the majority: we have 45 percent Latino residents, 25 percent Anglo, 15 percent African-American, and 15 percent Asian-American.

Our residents include veterans, seniors, and working families. We are concerned that our children receive a quality education, that all our families have access to high-quality, affordable health care, that we invest our budget surplus to strengthen Social Security and Medicare, and that we fight to keep the promises that were made to our veterans.

The southernmost neighborhood in my district, San Ysidro, California, is situated on the Mexican border and is the busiest border crossing between any two nations in the world! The proximity of Mexico provides both challenges and opportunities for my district—but we revel in the excitement of a truly binational community.

To the east is Otay Mesa, primarily an industrial area with an expanding large-scale manufacturing base. Farther north are the cities of Chula Vista and National City, home to many residential areas and hundreds and hundreds of small businesses. One of the county's largest developments, Eastlake, is rapidly growing to the east of Chula Vista—and Bonita, a neighborhood of middle-class homes

in an unincorporated community of the county, is nearby.

At the northern border of the 50th district is the central portion of the city of San Diego, just south and east of downtown, with many neighborhoods that are experiencing gentrification by ''urban pioneers'' moving back from the suburbs.

All in all, the people of the 50th congressional district represent the best of America. Industrious and ambitious, striving for a good life for our children and grandchildren, we work and play together in a largely harmonious blend of race, ethnicity, and religion. We believe in the American dream.

I am proud to represent these fine men, women and children, and I am working hard in Congress to ensure the best for their future.

Mr. CUNNINGHAM. Mr. Speaker, on the 150th anniversary of California's entrance to the Union, it is with great pleasure that I introduce California's 51st district.

California's 51st district covers most of North County, only minutes from downtown San Diego. North County, well known for it's beautiful beaches, ideal weather, and quiet lifestyle has proven attractive to the growing 650,000 who inhabit this region and the many who visit ''America's Finest City'' and the surrounding area from all over the world.

The 51st district encompasses the coastal towns of Carlsbad, Encinitas, Solana Beach, and Del Mar. Carlsbad is best known for its majestic flower fields and is the predominate supplier of commercially grown flowers on the West Coast. The flower fields are easily seen from 1–5 as one makes their way down this coastal commute. Also, newly constructed Legoland® choose to call Carlsbad home. The amusement park opened in 1999.

Del Mar is where the ''turf meets the surf'' and is home to the Del Mar Racetrack. One can watch the thoroughbreds and still have a view of the ocean from the grandstand. During the off-season, the Racetrack becomes the Del Mar Fairgrounds. This two-week fair has been a North County tradition since 1936. The fair features rides, livestock shows, exhibitions, agriculture, and local art. Over 1 million people visited the Del Mar Fair last year.

Inland, the towns of San Marcos, Rancho Santa Fe, Escondido, and Poway lie among the rolling hills. Escondido is home to the world famous Wild Animal Park, established in 1969. This 1,800-acre wildlife preserve allows visitors to view herds of exotic animals as they might have been seen in their native Asia and Africa.

A portion of the city of San Diego makes up the remainder of the 51st district. This area includes the former Miramar Naval Air Station. The base, made famous by the 1986 movie Top Gun, was home to the elite naval fighter pilot school of the same name. This naval base was converted to the Miramar Marine Corp Air Station in 1996. North County is also home to many veterans and active military who choose to make San Diego their permanent home during and after their military service.

San Diego is also fast-becoming the center of the growing high-tech and bio-tech industries. Qualcomm, Cubic, Hewlett Packard, Sony, Nokia, Erickson, Titan, Ligand Pharmaceuticals, Pyxis, and the Immune Response Corporation all call San Diego home. These booming industries have brought San Diego to the forefront of these exciting new fields.

With its sunny weather and stretch of coastline, it is not surprising that North County is one of the fastest growing areas in California. Mr. Speaker, I consider it a privilege to live in North County and an honored to serve and represent the people of the 51st district.

Mr. HUNTER. Mr. Speaker, I rise today to celebrate the 150th anniversary of California's admission into the Union. I am fortunate to represent the 52nd Congressional District, a beautiful area along our international border with a rich history and culture. Home to the deserts and agriculture fields of Imperial County, as well as the mountains and urban areas of East San Diego County, the 52nd is as much diverse as it is unique.

As the winter home of the Navy's Blue Angels, and thousands of ''snowbirds'' from all over the country who come to enjoy the scenery and weather, Imperial County is known as the place ''Where the Sun Spends the Winter.'' It is the home of the Glamis Sand Dunes, the Brawley Cattle Call, and the best farm land in the country, which provides delicious fruits and vegetables the entire country enjoys year-round. Imperial County is also home to the largest body of water in California, the Salton Sea, as well some of the best Mexican food a person can find.

San Diego County draws its name from San Diego de Alcala, a designation credited to Spaniard Don Sebastian Vizcaino, who sailed into what is now San Diego Bay on November 12, 1603, and renamed it in honor of his flagship and his favorite saint. The County of San Diego was established by the State Legislature on February 18, 1850, as one of the original 27 counties of California with an estimated population of at least 3,490.

Today, almost 100,000 people and 5,000 businesses reside in San Diego's East County alone. Places like El Cajon, which means ''the box'' in Spanish because the city is completely surrounded by mountains, provides the perfect recreation spot with horseback riding, golf courses, campgrounds, parks and easy access to the many attractions of Southern California.

Another city in East County, La Mesa, is known as the ''Jewel of the Hills'' to the 56,000 people who call this desirable city their home. La Mesa's location places it close to the cultural facilities, sports, recreation and water-related activities afforded by its proximity to the county's metropolitan center, beaches and bays.

The 52nd Congressional District is made up of communities in which the residents and business people take an active role in protecting and enhancing the quality of living. The number of service clubs and organizations, school and church related groups, and other civic and social organizations, give tangible evidence of the vitality of its citizenry and their active interest in the community. It is a commitment to ''community'' that gives the 52nd a special identity.

H.R. 1323

The SPEAKER pro tempore (Mr. SHERWOOD). Under a previous order of the House, the gentleman from Texas (Mr. GREEN) is recognized for 5 minutes.

Mr. GREEN of Texas. Mr. Speaker, today I want to talk about legislation that I have been working on. It is H.R. 1323. H.R. 1323 deals with breast implants, an issue that has been the subject of many court cases now for a number of years.

On Monday, the Food and Drug Administration, the FDA, hosted a meeting to discuss research on silicone gel-filled implants, and I am grateful for the FDA in their willingness not only to meet with my own constituents but also other people on my staff on this issue and hopefully will continue to dialogue with the FDA to ensure that women get the information they need on the safety of the implants.

However, the research indicates that platinum salts have been released by silicone gel-filled implants. This is significant information because the platinum salt in certain form is known to be toxic. New technology has allowed scientists to determine that the platinum used as a catalyst in making the gel and the shell of the gel-filled breast implant is being released into the body of women in a harmful toxic form.

Last week, the FDA released information on their web site citing breast implant complications. This is a victory for the consumer advocates who have been working to provide more information to women who are considering implants. However, the information provided in this web site does not include the recent findings on the toxicity of platinum salts found in gel-filled implants.

Women need to know how harmful the release of platinum in their body and to their children who may be nursing can do to them. It has come to my attention that children who breast-feed from mothers with silicon brevity implants may also experience harmful body excess from the toxicity symptoms of exposure of platinum salts.

Symptoms of exposure to platinum in a reactive form can also cause fatigue, dry eyes, dry mouth, joint inflammation, hair loss and also rashes.

As a sponsor of the Silicon Breast Implant Research and Information Act, I believe that the need for more research is especially compelling in light of the FDA's own study on the rupture of silicone breast implants.

On May 18 of this year, Dr. S. Lori Brown's research showed that 69 percent of the women with implants had at least one ruptured breast implant. The FDA concluded that the rupture of silicon breast implants is the primary concern although the relationship of the free silicon to the development or progression of the disease is unknown.

We do know there is a rupture of silicon into the body, but we do not know the impact. That is why we need more research by the FDA.

I heard from my own constituents over the last number of years and literally women across the country, Mr. Speaker, who have suffered from the long-term consequences of reconstruction and cosmetic surgery. They have experienced infections, chronic pain, deformity and implant rupture, inaccurate mammography readings due to

the implant concealing breast tissue and difficulties in getting health insurance to pay for the high costs of repeated surgeries. The cost of faulty implants is paid by all of us in the system even if it is not covered by insurance.

The Institute of Medicine estimated that by 1997, 1.5 million to 1.8 million American women had breast implants with nearly one-third of these women being breast cancer survivors. The American Plastic and Reconstruction Surgeons cited breast augmentation as the most popular procedure for women ages 19 through 34. In 1998, nearly 80,000 women in this age bracket received breast implants for purely cosmetic reasons. By 1999, an additional 130,000 women received saline breast implants.

In spite of the escalating numbers, very little is known about the long-term effects of silicone or platinum in the body. Few patients understand that even when they opt for saline breast implants, the envelope of the implant is made of silicon.

Following the FDA's decision to approve saline breast implants, the agency did warn women of the potential risk. FDA officials called upon implant manufacturers and plastic surgeons to ensure that thorough patient information is provided to women before they undergo the surgery.

Mr. Speaker, with the FDA approval process behind us, the only course of action to safeguard the future of women is that of an informed consent document. Somehow, a piece of paper cannot make up for a manufacturer's insufficient data or the retrieval analysis. It cannot make up for inaccurate labeling and even risk estimates.

There is so much we do not know, and yet the one government agency mandated to safeguard the public's food, drug and medical devices is moving so slow on this issue that could jeopardize women with a medical device that has alarmingly high failure rates.

In spite of the agency's call for post-market studies, the FDA approval of saline breast implants provides no incentive for the manufacturers to make data better or a safer medical device.

Mr. Speaker, hopefully the FDA will continue their research.

REASONS FOR ECONOMIC PROSPERITY IN AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from California (Mr. CUNNINGHAM) is recognized for 60 minutes as the designee of the majority leader.

Mr. CUNNINGHAM. Mr. Speaker, before I get into my special order, I would like to address the remarks of one of my colleagues just previously on a 5-minute. He made a statement that Governor Bush would replace Medicare with insurance companies. I have never heard something so laughable. Are the Democrats so desperate that they have got to spin something that is absolutely not true?

Mr. Speaker, I have never heard something so ridiculous. The gentleman may speak of his own opinion, but I would say that the gentleman is factually challenged. First, 70 percent of Americans have insurance, both for healthcare or for prescription drugs, and they want to keep that. Unfortunately, there is a large portion of the American population that has neither healthcare nor prescription drugs.

Governor Bush wants to make sure that those people are taken care of. But if the Democrats can demagog insurance companies or biotech companies, then what is left to pick up the void? Only big government, Hillary Clinton-type of healthcare and prescription drugs, and that is exactly what AL GORE does.

He has a one-size-fits-all, big government solution. Now, I have traveled all over the country with Governor Bush, and I know not only what he says, but I know what is in his heart. While the Democrats increased veterans healthcare by zero in the last budget, Republicans put in a $1.7 billion increase.

Governor Bush not only wants to keep the promises to our veterans for healthcare that has been given for many, many years, but he wants to also make sure that that percentage of Americans who do not have healthcare have supplement to their Medicare. What does the Federal employee have? And that is FEHBP, the Federal Employees Health Benefit Plan, which is a supplement to Medicare. That is what he has said, that is what he talks about in every speech, nothing about replacing Medicare with insurance companies, at least do not demagog, at least do not make up stories that are absolutely not true.

If my colleagues want to talk about facts in the Social Security Trust Fund and Medicare trust fund, do we remember the Clinton-Gore budget, they said well, we want to take 100 percent of the Social Security trust fund and put it for Social Security and all of the surplus.

Mr. Speaker, weeks later, they came back and said oh, not so fast we want to take 62 percent and put it into Social Security, we want to take 15 percent of the surplus and put it into Medicare. What they did not tell us is that the Clinton-Gore budget took every dime out of the Social Security trust fund, put it up here for new spending. They increased taxes $241 billion for new spending, to justify their budget and their balanced budget.

We said no, Mr. President, no, Mr. Vice President, that we are going to put the Social Security trust fund into a lockbox so that politicians cannot touch it, that you cannot keep increasing the debt and you cannot keep spending it. So if my colleagues want to talk about facts, that is a fact.

Another fact is that Republicans brought that budget to the floor to show what a sham it was. Mr. Speaker, do we know how many Democrats voted for that budget, because we wanted them to vote for it, to show that they supported increase in taxes, to show that they supported raiding the Social Security trust fund, to show what a sham that the budget was. Do we know how many Democrats supported it? Only four.

Yet, AL GORE uses that budget as the basis, and I quote AL GORE, I use this budget as the basis for my plan, which spends every cent and more of the surplus. It dips in and raids the Social Security trust fund. It increases the taxes on the American people. And when my colleagues want to talk about facts, that is a fact.

The reason that I stepped up from my special order was that I was in Los Angeles for the Democrat convention. I was on television. I was on radio to see the spin, and it is probably the reason why there is an article in the Washington Post, which is not exactly a conservative paper, about, it is still the economy stupid, by David Broder. And it says that during the past 8 years LIEBERMAN said in the convention, we have created more than 4 million new businesses, 22 million new jobs, the lowest inflation in a generation, the lowest African American, Hispanic unemployment rate in history, the strongest economy in a 224-year history of the United States of America. He could have added that real incomes for even the poorest Americans began to improve and poverty rate declined.

□ 1730

But what David Broder goes on to say is, ''But it wasn't until the Republicans took over Congress in 1995 that the goal of a balanced budget came into view, that the economy increased at a much higher rate than under the 1993 tax increase.''

The Democrats in their convention said, well, if you loved the last 8 years of the economy, you need to put us back. That is what I want to talk about, Mr. Speaker.

First of all, the Speaker of the House, the gentleman from Illinois (Mr. HASTERT), went to see the Vice President and the President last night. They asked if the President would set aside 90 percent of the surplus to reduce the debt. We pay nearly $1 billion a day on the national debt, Mr. Speaker. The President agreed.

They walked away saying, hey, we will take the other 10 percent, we will debate in Congress, we will work back and forth as to how the 10 percent of the surplus is spent, whether it is for tax relief or increased spending in other areas, like prescription drugs.

But when he got away, and I will quote here, now when Republicans say we want to lock away 90 percent of the next year's surplus, according to today's edition of the New York Times, ''Mr. Clinton told Republicans he viewed paying down the debt as a priority, but said he was not sure it could be done in the 2001 fiscal year.''

Does that sound like the balanced budget? It could be done in 12 years, it

could be done in 2 years, it could be done in 4 years, it could be done in 8 years, and now already the White House is reneging on putting the money in to pay off the national debt. I think it is ridiculous.

The point is, when the Democrats claim that economic prosperity is due to their efforts, I reject that, Mr. Speaker; and I set out to show the reasons why from fact, from budget legislation, and the lack of budget legislation.

First of all, not a single White House or Democrat budget since the Republicans took over the majority in 1994 has ever passed either the House or the Senate. As a matter of fact, we brought the Democratic White House budgets to the floor just to embarrass the Democrats, to show what a sham the Clinton-Gore budget was.

In 1993, they did pass their budget, because they had control of the House, the Senate and the White House, and I will address that in just a minute. In 1994, the House voted 223 to 175 and the Senate 57 to 40 to pass their budget. But in 1995, Republicans took over and talked about balancing the budget for the first time.

In 1996, the budget from the White House failed 117 to 304. In 1997, in the Senate it failed 45 to 53. In 1998 there was no vote. There was a vote on the Democrat budget; and the Blue Dogs, and, by the way, I would say that the Blue Dogs, against the liberal leadership of the House, had some pretty good ideas and some ideas that we could accept unanimously; but the President would veto it, and the Democrat leadership would fight against it.

In 1999 we brought the budget forward from the White House, and only two Democrats supported it, because, again, it raided the Social Security trust fund, it increased taxes, it broke the budget, and it increased the national debt.

I would say that when the Democrats claim that they are responsible for the economy, and not a single one of their economic plans or budgets ever passed, I would say that that is a sham, Mr. Speaker. Yet the Democrats will go back and say, well, it was the 1993 tax increase. They refer to it as their 1993 economic package.

But after I go through this, I will also show in this newspaper article and every newspaper article within the country, liberal and conservative, it says the Al Gore economic plan would spend all of the projected Federal surplus of more than $4 trillion and run up a deficit of $900 billion over 10 years, no cushion at all, $900 billion in the hole.

Does that sound familiar? It sounds familiar to 40 years of Democrat control of the House, in which in 1993 the President's budget projected deficits of $200 billion every year throughout and beyond, and also increased taxes every single year and raided the Social Security trust fund every single year.

I would say that the 1993 package that they claim, they say, well, Republicans, not a single Republican voted for the Democrat tax package. Again, they say ''economic plan.'' Why did we not, Mr. Speaker? I think the American people need to know.

First of all, the 1993 Democrat tax increase was the largest tax increase in history, across the board. The first tax they promised a targeted tax relief plan, and does this not sound familiar with what they are doing today on the liberal leadership of the Democrats? They said, we want a targeted tax relief plan for middle-class Americans.

First of all, this body should never use the term ''middle class,'' because there are no low class, there are no middle class, and there are no upper-class citizens in this country. There are low-income citizens, there are middle-income citizens, and high-income citizens; but the other side continually uses the term ''class warfare'' to get their point across. I think that is wrong.

But they promised a middle-income tax cut, and they could not help themselves. In 1993 they increased the taxes on the middle class. Why? Because it means power, Mr. Speaker. It means power to rain down more and more money to their districts so they can come back here and get reelected and maintain the majority like they did for 40 years.

But finally the American people had enough, and in 1994–1995 they said we are going to let the Republicans try and let them for the first time in 40 years control the House. Now we control the Senate as well.

The tax increase in 1993, why did we not support it? Because it took every cent out of the Social Security trust fund, just like they had for 40 years prior, to use up here for additional spending. In all the budgets, even after Republicans took the majority, the Clinton-Gore budget raided the Social Security trust fund, put it up here for new spending, increased taxes for new spending, and then put a little bit back into the Social Security trust fund or put in an IOU.

What did that do, Mr. Speaker? It increased the national debt, at the same time making the Social Security-Medicare trust fund insolvent. Republicans said, No, Mr. President, Mr. Vice President. We are going to put the Social Security trust fund into a lockbox, to where it accrues interest. Instead of increasing the debt, it is going to pay down the national debt by the year 2013.

Now, AL GORE in his budget tries to take claim for this. They did in the Democrat convention. It is not true. They fought it tooth, hook and nail, every single part of the way, because they wanted to use that extra money for spending. I think that is wrong.

Why did we not vote for the 1993 tax increase from Clinton-Gore? Because it cut the veterans' COLAs. You want to talk about priorities? Our veterans that served this country, in many cases departed from their families, not knowing if they are coming back, their families are penalized. They have to move several times during their career, they cannot invest, their children are ripped out of schools. But yet to balance the budget, or to put their budget plan into effect, they even cut the COLAs, which is a tax increase on our veterans.

If that was not enough, they cut the military COLAs for our active duty military, the people that need it the most, that are getting shifted around all over this country. Then they cut defense, $127 billion, after Colin Powell and Dick Cheney told the President that a $50 billion cut would put our military into a hollow force.

Why did we not support the Clinton-Gore 1993 tax increase? Remember that it increased the gas tax? They even had a retroactive tax. Most people forget about that. Remember the First Lady changed their income tax form so she could benefit from the retroactive tax?

Remember the gas tax went to a general fund? Why, instead of a transportation fund? So that they could take the Social Security trust fund, they could take the increase in taxes, including the 18 cents Federal tax into a general fund and use it for new spending. And we said, No, Mr. President, Mr. Vice President. We are going to take that gas tax, and we are going to put it into a transportation trust; and many Republicans and Democrats and States have benefited from that, because the money, instead of going to new social spending, failed social spending, has gone to improve our roads and highways in this country, including my own California, which is a donor State when it comes to taxes, and not the general fund.

But remember in 1993 also the Clinton-Gore team tried to pass government controlled health care. It was rejected by all Americans. Remember the $16 billion pork-barrel package? I do. I was here. It had payback for people that had voted for the Clinton-Gore team. It put parking garages in Puerto Rico, swimming pools in Florida. I mean, it was ridiculous.

In that, the deficits were projected at $200 billion and beyond forever. Did we vote for it? No.

First of all, the Social Security tax increase, we rescinded that and did away with it. The tax for the middle class, we have given education IRAs, we have given education savings accounts, we have given R&D tax credits, we have given capital gains tax credits, which the Democrats said were all for the rich. They fought tooth, hook and nail. Yet at the convention I see the Vice President claiming credit for education IRAs, when they fought against them tooth, hook and nail. They said it was a tax only for the rich. The $500 deduction per child, remember that side, it is only a deduction for the rich, just like the death tax and the marriage penalty. It is only a tax break for the rich.

Tax breaks they cannot stand. Why, Mr. Speaker? A tax break is a sense of

power, money in the Federal Government. A surplus that is not given back to the American people is power to spend, power to spend for constituents, whether you are a Democrat or Republican, down to your district, so you can get reelected; and they will resist tax breaks in any single way. Even the promise of middle-class or middle-income tax workers and Americans, they rejected it. They increased the tax. They just cannot help themselves in that.

The Social Security trust fund, we said no. Lockbox. Veterans' COLAs, we restored that, on a bipartisan basis, by the way, against Clinton's and GORE's wishes. The military COLAs, we reinstated that. We have replaced somewhat of the defense. The increase in taxes at the highest level in history, we have done away with much of that. The gas tax, as I mentioned, we put into a trust fund. We took the health care plan and we benefited many Americans, but we have still got a long ways to go.

So, for the Democrats to say that they are responsible for the economy, first of all, when not a single one of their budgets or economic plans have ever cleared the House or the Senate, outside when they controlled this body, and the 1993 tax increase that most of it has been rescinded, it is a little bit ridiculous for them to claim credit for the economy.

□ 1745

It is impossible. It is illogical.

Economic principles. We say well, what has not and what has, in my opinion, and 99 percent of the economists contributed to a better economy for all Americans.

First of all, when we took the majority, in our 1995 budget, even before that, with the Contract With America, we said we are going to balance the budget. Do not listen to me or to the Democrats, or to any of the leadership; listen to what Alan Greenspan said. He said, and I quote, just by speaking about balancing the budget and the potential for the Congress of the United States to balance the budget will reduce interest rates across the board. And what do interest rates mean to the American people?

I have a family, a young man that just got married. He is looking into homes. Here is a chart I pulled out of the Washington Post, and it is on home-buying, Mr. Speaker. Take a $140,000 house, and most people would like to find a $140,000 house today. But at 5 percent interest, one's payments are about $1,000. If one has 8.5 percent, which is about what the prime is today, one is paying $1,400 a month for one's payment. If it is 10 percent, one is paying almost $1,600 a month. That is real savings to the American people, when one is buying a home.

I just sent my daughter off to Yale. I cannot tell my colleagues how expensive that is. She scored a perfect 1600 on her SAT, and she wants to be a doctor. But if interest rates are important to the American people, and the balanced budget is the primary cause of interest rates going lower, according to Alan Greenspan, the head of the Fed, then that is an economic principle that we want to adopt.

Who fought against it, Mr. Speaker? The Clinton-Gore administration was here in this House fighting day by day to fight against the balanced budget because it limited the amount that they could spend and to regain a majority, and that is just wrong. But in 1997, after 2 years of demagoguery, the President finally came to the table with Republicans, against the wishes of the liberal Democrat leadership on this side. They still fought it tooth, hook and nail, fought a balanced budget, because their leadership saw that, well, that will take away their ability to retake a majority, and that was more important to them than a balanced budget and the economy of this country. The President signed a budget agreement. I give him credit for that.

A second principle is that the government should keep its books in order and cut wasteful spending. In the Washington Times today, it listed 4 government agencies responsible for $21 billion, actually $20.7, close enough, of fraud, and one-half of that fraud was in Medicare. I would say, whether it is the Education Department that only gets about 48 cents less than half of the dollars down to the classroom because of the bureaucracy, and that the IRS and GAO have been unable to audit; as a matter of fact, it is unauditable, that there is fraud, waste and abuse there. We look at food stamps or HUD, and yes, Mr. Speaker, Defense. I can go through and point out fraudulent and wasteful spending in Defense, which I am a hawk; well, maybe a dove that is fully armed. But there is wasteful spending, and that should be part of the principles of reducing and helping this country to economic prosperity.

Tax relief for working people. Mr. Speaker, if someone has a $500 deduction per child or they can have an IRA in which they can set aside $2,000 a year, which the gentleman from Missouri (Mr. HULSHOF) set forth so that working families could set aside money. If one has a child, when he is born, by the year he is 10 years old, at $2,000 a year, well, we would say that would be $20,000, but with compound interest, it is almost $40,000 a year by the time that child is 10 years old. One can use it for special education, for special needs, one can use it for books, for tutoring, or one can leave it in the trust fund for higher education.

But yet, that was rejected by the Clinton-Gore administration, and now the Vice President is trying to say it was his idea, when they rejected it, and that is wrong. But tax relief for working families, they get a little more money in their pockets, and maybe they can go out and buy a car, and car dealers like that. Maybe they go out and buy a double cheeseburger, double fries, to spread the money around a little bit. It is called micro and macroeconomics, that one has more money and they will spend it or at least set it aside and save it.

Yet, Mr. Speaker, my colleagues on the other side have never seen a tax increase they do not like, or will they ever support a tax decrease? No. At least some of my colleagues will, but the liberal Democrat leadership on that side fights it tooth, hook and nail every single day.

Less government spending. If we have less bureaucracy; for example, about 4,000 workers in the Department of Education, and we only get less than half of that money down to the classroom because of the bureaucracy, Federal education spending. I used to be the chairman on the authorization committee. Only about 7 percent of funding from the Federal government gets down to the States for Federal education programs. But yet, in most States, it takes more than half of the States' administrative body to manage that 7 percent of Federal education dollars. And the other paperwork, by the time we go back and forth with all of the different requirements, then we have even less than that to spend on the classroom, whether it is for construction, whether it is for teacher pay, whether it is for technology, or whatever it is.

So another principle should be not just to cut wasteful spending, but those items in which we have priorities for, Social Security, Medicare, prescription drugs, education, that the maximum amount of dollars should go to those groups that we are trying to help, not a bureaucracy in Washington. But the era of big government is not over. In AL GORE's budget plan we see government with 48 new government agencies in the Clinton-Gore budget last time. In the one prior to that, it was 115 new government agencies. They cannot bring themselves to cut the budget.

When they say, look at the number of government officials that have been reduced, we know that 90 percent of those Federal employees are defense and defense-related industries, not the civilian workforce.

Another principle should be to pay down the debt. Paying $1 billion a day, nearly $1 billion a day is robbing our children of their future and putting a debt burden on their backs that we as adults and Members of Congress should not do. We have paid down, in every single year, the debt when again, the Clinton-Gore budgets have increased the deficit by over $200 billion, including the present Gore plan. Just read all of the papers, look at all of the economists. He spends every bit of the Social Security trust; he spends every bit of the surplus and increases taxes at the same time, and guess what? The debt goes up again.

Budgets for education. People say, look across the land. My wife was a teacher, a principal, and now she is a district administrator for the school

district. My sister-in-law, Carolyn Nunes, is the district administrator for all of San Diego city schools for special education. Allen Buerson, who was a Clinton employee before, is now the superintendent of San Diego city schools. Guess what? He is in the real world and now he is fighting for Republican principles of getting the dollars down to him so that he can make the decisions, so that the teachers, the parents and the administrators can make a decision on what happens to their dollars.

We passed a bill on the House Floor called Ed Flex. The liberals over here fought against it, because again, they want government control of health care, they want government control of education, they want government control of private property; they want the highest taxes possible so that they can keep that power and have bigger bureaucracies. But yet, Allen Buerson says, we need the money more down to the classroom, and I support Allen Buerson who is a Democrat and also the superintendent of schools for San Diego city schools, and I think he is doing a good job.

But let me give my colleagues an idea, Mr. Speaker, of the sham that the Democrats run and why it is so difficult for the American people to see the differences.

First of all, we have talked about the President's budget. Democrats did not vote for it. But yet, they will use the President's budget number of $1.1 billion for special education. When the Democrats had control of the House, the most money ever spent on the authorized amount was 6 percent for special education. If one includes the money for Medicaid, that has gone up to about 18 percent for special education. In this budget, the Republican budget, we increase special education by $550 million. But yet, the budget that none of the Democrats voted for because it increased taxes, stole Social Security trust, and the only way they got up to the $1.1 figure was to use that, those gimmicks, and say that Republicans are cutting special education, when we have actually increased it more than they ever did and increased it by $550 million over the amount. I think that is wrong, to use that kind of smoke and mirrors.

In education, for many, many years they put trillions of dollars into education programs. When I was subcommittee chairman on the authorization committee, I had 16 groups come in before me and testify. Every one of the 16 had the absolute best program that could be envisioned for their district. It worked. It was helping children to learn or it was helping special needs children or even at-risk children. Even Bishop McKinney, who has a Catholic school for abused children and at-risk children, came in and testified.

After the hearing, I asked each of them which one of the other 15 had any one of the other programs in their district. They looked at each other, and not a single one. We said, that is the whole idea. We are trying to get in a block grant the money to you so that you, if you live in Wisconsin, this program may work best for you, but yet, the teachers, the parents, the principals and the community can make the decision of how that money is spent. We believe that with all of our hearts, that those dollars are best served by not a bureaucrat here, not a union boss telling them how they have to spend those dollars, but that it gets to them in the classroom.

The second thing was the education flex bill, the President wanted 100,000 teachers. We said 100,000 teachers, but the first half of that, there was not the quality, because many of those teachers were not even certified. As a matter of fact, in the State of California, many of them, after they were hired, have to be fired, because they could not teach in the subject that they were supposed to be trained in. We said no. To hire new teachers, first of all, with Federal dollars, there has to be quality associated with it. We think that is right too. That decision again should be made at a local level in how to do that.

□ 1800

Mr. Speaker, the principles of a balanced budget, lower interest rates, lower inflation, making sure that the Federal government puts its house in order and its books in order, making sure that if a government is wasteful, that it is eliminated, or at least fixed, they are important.

A good example is Head Start. Just like those 16 programs, many of my liberal friends would say, let us do all 16 programs, let us do them; not mean, not malicious. But in doing that, they would put all of those programs under the Department of Education. Each one would have a bureaucracy. Like Head Start and Easy Start and many of the programs, there was underfunding. They were doomed to fail.

We think that the best decisions should be made at the local level. We think that is right, too. Under a balanced budget, if Alan Greenspan says that interest rates are largely the reason for economic advancements in this country, that low inflation is important, that capital gains reductions have stimulated the economy and created jobs, then I think that is good.

But if we have liberal leadership on the other side that fights those issues in both their budgets and in the 1993 tax bill, then I think that we need to make the analysis of who is responsible for the economy.

Again, I would say that the Blue Dogs, and my colleague here on the budget has worked. I want to go through this. I have fought for 2 weeks on this. But I would say, my colleague on the other side has some real good ideas, and ones that I personally accepted. The overall budget I thought was bad, but I would say that many of those issues that the gentleman brought forward were very valuable.

Mr. STENHOLM. Mr. Speaker, would my friend yield for a minute? Any minute that I take from the gentleman, any minute I take I will be happy to give to the gentleman afterwards.

Mr. CUNNINGHAM. I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. I thank the gentleman for his compliments. I do not want to interrupt the gentleman now, but I would sincerely say, whatever time I take, I hope the gentleman would stick around and use a part of my hour, because I think a little dialogue between the two of us might be helpful.

I know the gentleman does not mean to misrepresent. He believes what he is saying, just as I would believe what we are saying. I think we could clear up the record a little bit if we have a dialogue. I will yield some time to the gentleman when my hour comes in a moment, and hope the gentleman will stick around.

Mr. CUNNINGHAM. Mr. Speaker, I would tell the gentleman, we have the Sportsman's Caucus dinner tonight that I am going to hustle over to, but I will stick around maybe the first 5 minutes.

I would say again, many of my colleagues on the other side, especially the Blue Dog budgets most of us on this side could adopt, but we could not go along with the liberal leadership from the gentleman's party or the White House. As a matter of fact, most of the gentleman's people could not vote for them when they were brought forward on the House floor by Republicans.

The President, as I mentioned, in 1997 signed the balanced budget agreement, but each one of those budgets following they increased taxes, they took money out of the social security trust fund, and they increased the debt by using false assumptions.

I would be the first one to say that there were many of the assumptions in the Republican budgets that we disagreed with. That is the way it worked.

But I think the overall factors of a balanced budget, tax relief for working families, social security, tax reduction so people could have their own money, not taking the money out of the social security trust, education IRAs, a $500 deduction per child, capital gains reductions, and even my own 21st century bill that allowed businesses to donate their computers to a nonprofit, that company then took that computer, which is still in effect, by the way, they take that computer to a military brig or a prison system, they work on it, they hand that computer over to the school as a full-up round. It is a win-win for the budget, it is a win-win for education, it is a win-win for our penal system, and it sure is for our businesses, because they get to write off the tax and invest in new computers and then cycle those computers back into the education process.

I think the Republican budget strategy has been clearly successful: balancing the budget, tax relief, cutting wasteful spending.

If Members will look at the economist, Lawrence Kudlow, he says, ''Declining inflation has been a pervasive tax cut for all Americans. The effect throughout the economy is in boosting real incomes.''

Alan Greenspan said that long-term interest rates have declined drastically since the balanced budget and have enabled us to stimulate the economy. ''It has been the first decline in long-term interest rates which, perhaps more than anything else in our economy, has been a factor which has been driving this reality quite extraordinarily, economic expansion.''

That is a direct quote by Alan Greenspan, Chairman of the Board of Governors of the Federal Reserve System. Alan Greenspan also credited this decline largely to Congress's determined effort to balance the Federal budget. He often advised Congress that financial markets would respond favorably to credible deficit reduction.

Greenspan said, ''A substantial part of the very considerable decline in long-term interest rates has been a function of the decline of budget deficits, because it has removed pressures on the Federal government borrowing from the marketplace.'' That is where our debt goes up, as well; the reverse of what has happened with President Clinton's 1993 tax bill. A year after his tax increase was enacted, interest rates have moved up about 2½ percent, percentage points. The trend for real economic growth slowed.

Interest rates peaked November 7, 1994. The next day, the national board set a new direction. They said that they wanted to stop the raid on the social security trust fund, they wanted to stop increased deficits and an increase in the debt.

If we look at Vice President GORE's budget proposal, that is exactly what he goes back to. Look at the newspapers, look at the budget analysts. He spends every single penny of the surplus. We think that is wrong, Mr. Speaker.

Federal Reserve Chairman Alan Greenspan had predicted that credible spending restraint would be rewarded with falling interest rates. I have already showed in the real estate market what that means to a young family that wants to buy a new home.

Real wages actually declined after the 1993 tax increase, and I think quite often we speak too much of numbers, but 0.5 percent. Is a balanced budget just numbers?

We speak that a lot here on the House floor: deficits, budgets, numbers, increases. But what it is is for real families. If a family has more in their pockets to spend, then they are going to set that money aside for their children. Unfortunately, in this country there are many of those families that are not responsible.

When we have someone that is irresponsible, and let me give the Members an idea, in welfare reform, I had a doctor come into my office. He said, Duke, I had a lady come into my doctor's office. She had a 12-year-old daughter. She wanted to know what was wrong with her 12-year-old daughter, that she could not have a child. The mother had a 13-year-old and a 14-year-old each with children. She wanted the extra welfare money.

My father and my mother, I lost my dad about 5 years ago, the best dad in the whole world, but I never got a nickel allowance. I had to work for it. My father and my mother never missed an academic or an athletic event that either my brother or I attended, either at home or away. I had to go to church, like a lot of us, when I was young. I would have a lot rather been on some Sundays out with my buddies riding around, having a good time, but I had to go to church.

I had to do my homework before I got to go out and play or be with my buddies when I got older. My mother and father that never had a chance to go to college said, you and your brother are going to college. You have no choice. Because my father said, his small definition of the American dream was that ''If we teach you the value of a dollar, that you have to earn it, we do not just give it to you, like government gives to many people in welfare; if we teach you a sense of the family, that we are there for your education, we are there for your events, that we care; if we force you to do your homework so that you can qualify for college and you get a college education,'' my father's small definition of the American dream is that, ''With those tools, you can make tomorrow better most days than it is today; not every day, but most days.''

I would ask the Members, what chance at the American dream does that 12-year-old, that 13-year-old, or that 14-year-old or their children, what chance would they have because the mother wanted more welfare money?

The Clinton-Gore administration fought tooth, hook, and nail welfare reform. Governor Engler from Michigan, Tommy Thompson, from Wisconsin, had models. They brought them to us, on the Republican side. They said, this will work.

Can Members imagine a parent coming home with a paycheck instead of a welfare check, what that means to a child in school? Guess what, those families, and the President takes credit now for welfare reform, and half of the people off of welfare rolls. But guess what, instead of welfare money being spent out of the government or unemployment, those people are working.

Guess what, those tax rolls, they are paying money into the government by paying taxes instead of drawing from that. We think that is good. Has there been enough in that area? No. Is there enough training? No. There needs to be additional training. We agree on some of those issues on both sides.

Yet, Clinton and GORE fought welfare reform tooth, hook, and nail. The liberal leadership on that side of the aisle fought welfare reform tooth, hook, and nail. Why? Trillions of dollars they put into welfare. The average for a welfare recipient was 16 years. In my opinion, many of our inner cities with the drug problems we have, the no hope in the inner cities, is from generations of people trapped in a welfare system with no hope on where to go.

Yes, it is better to give a person a pole and teach them how to fish instead of giving them the fish. Yet, we are looking at an election where a contrast of a Governor that has balanced these budgets, working with Democrats on both sides of the aisle, to where in education he went into the school systems and said, ''What is wrong? Do you not have the technology? Are your teachers not trained? Why are my Hispanic and African-American children dropping out at high rates?''

I think it was fair for him to go into the schools and say, ''Why? Whatever it is, our administration in Texas is going to fix it.''

If we take a look at all the press accounts, the education, the educational system for minorities, is going up the highest of any State. I do not think it is fair, where the Democrats had control of Texas for 100 years, and looking across-the-board in the State of Texas. But I think it is fair to look at the differences between the time Governor Bush took over the education systems in Texas and what he has done for the State of Texas.

I was on Heraldo with Al Sharpton, that was fun. I told Heraldo, I said, Mr. Heraldo, you spent your whole life reaching out, making sure that minorities have equality. Where you have someone like Governor Bush in Texas that has gone into the education system, and in my opinion education is the savior for a lot of things, for anticrime, for the economy, and for a child's benefit and a family's benefit. But I said, you have got someone that has proven in Texas what they have done, and they want to do the same thing for this great country. At least I would expect you to reach out and embrace that. Cut the cards, doublecheck what he says, but I have traveled with Governor Bush and I know he means it from his heart, and he has not only talked the talk but he has walked the walk.

I would challenge all of the Members to reach out, especially in education, and get the bucks down to the classroom.

Since we have had a balanced budget and Republicans took over, we had the second largest stock market boom in this century; we had 39 million new jobs, 11 million new business start-ups; the creation of $25.7 trillion in new household wealth.

I reject the Democrat convention where they say that the last 8 years they are responsible for the economy. The Greenspan policy of disinflation

has neutralized the Clinton tax increases. Low inflation has lowered capital gains, has led to an information technology explosion, fueling even more productivity, growth, and wealth creation.

Nearly half of all Americans own at least $5,000 worth of stocks, bonds, or mutual funds. We should not tax those annuities.

□ 1815

We should reward work. We should reward savings, Mr. Speaker, unlike the Gore budget.

American families treasure their ability to improve their condition throughout their own efforts. I think in our history there is no country in the world that has out-produced our workers if we give them a chance.

On a sense of equal opportunity, is there in this country? Absolutely not. Has it gotten better? Yes, it has. Do we need to work in that direction? Yes, we do. Economic growth is not just about numbers; it is about the values on which America and its people thrive.

Let me go through some of the things that I think have hurt our chances for the economy: first of all, by spending the Social Security trust fund; secondly, 149 deployments for our military in which our military was at a pretty sad state.

We put $3 billion into Haiti. Go to Haiti. I challenge any Republican or Democrat to go there. Look between the airport and the embassy. There is an average of three murders a day on that highway, and carjackings. One can drive a semitruck into the holes; but yet we put money into Haiti. Do my colleagues know where the money is? Take a look at Arastide's bank account. But yet we have not done a thing in Haiti. But, yes, we lost some people there. We got kicked out of there.

In Somalia, the same thing. We cannot fight a Kosovo and fly 86 percent of all the missions just because the U.N. and NATO do not have the aircraft and the technology. Either they need to upgrade their aircraft and technology for standoff weapons or they need to pay the United States those billions of dollars that it costs us: $16 billion for Bosnia, the four times going into Iraq, bombing an asprin factory. At the same time, General Ryan told me we put a year's life on every one of our aircraft, a year's life, and which we have parts.

What is happening today? We are only keeping in 22 percent of our enlisted into the military. I talked to the SEAL team commander yesterday. He has right the opposite. Those kids are motivated. They have increased their recruiting and retention; but yet they have problems in research and development and procurement. But when we only keep 22 percent of our enlisted, think about our experience level in maintenance.

The average fighter in the Air Force is 18 years. Our bombers are 39 years average age. I have got Marines carrying World War II radios. Yet, Mr. LIEBERMAN says that our military is the best in the world.

If we tell these kids to go somewhere, they are going to do it; and they are going to try and achieve. But that is not the point. A, they need the training.

Do my colleagues know that, in Kosovo, the two helicopters that crashed, and one helicopter crew was killed, all of them, that those helicopter crews had never had a flight in a combat-loaded helicopter because they did not have the money to train with a combat loaded? They had never trained with night goggles because they could not get the goggles into the squadron. Both those helicopters crashed.

Do my colleagues know Captain O'Grady that was shot down was not air combat qualified when he was shot down over Bosnia because they did not have the money for the training?

Do my colleagues know that in the Navy and the Air Force we have no more adversary aircraft? The reason that I am alive today is because, when I fought against the MiGs in Vietnam, I had better training and better equipment. But the training today is substandard. We do not have those adversary aircraft.

I just spoke to the COs in the fighter weapons schools in both services. The FMC rate, the full mission capable rate of our aircraft and our equipment has gone down. If we had to meet the minimums of a quadrennial review or bottoms-up review, we could not do it today. I think that is wrong.

I think for the Clinton-Gore White House to drag our military through 149 deployments, depreciate our men and our women and our equipment, cut their military and then the veterans' COLAs I think is wrong.

I stand before my colleagues, Mr. Speaker, tonight. Are we perfect on the Republican side? Absolutely not. We have got a long way to go, I think, with our own budgets and everything else.

But I do think the principles of Ronald Reagan of less taxes and smaller government, of making sure that government that is wasteful is eliminated, those principles are sound and go forward a long way.

Mr. Speaker, I yield to the gentleman from Texas (Mr. STENHOLM).

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, I would like first to associate myself with the gentleman's remarks as he has discussed the defense needs of this country and the needs that we need to follow through. I certainly want to join with him.

But by the same token, I think it is important, and I say this now, anytime one starts pointing fingers, I was reminded that anytime one points one's finger, there are always three pointing back at one.

The gentleman from California (Mr. CUNNINGHAM) has been doing a lot of finger pointing at this side of the aisle, talking about liberal leadership.

Mr. CUNNINGHAM. Mr. Speaker, reclaiming my time, in talking about the liberal leadership, many of my colleagues support some of the same things we want to do, including defense. But the leadership along with Clinton-Gore has fought welfare reform, they fought a balanced budget, they fought a lot of the initiatives we think are responsible for the economy.

Mr. STENHOLM. Mr. Speaker, if the gentleman will yield, Presidents do not spend money. Congress appropriates.

Mr. CUNNINGHAM. True.

Mr. STENHOLM. Mr. Speaker, the shortages that we allowed to happen in the defense needs of this country have originated in this House of Representatives, not the President. We both agree to that.

Therefore, my concern about the current budget implications today is that, when my colleagues base their entire budget on a tax cut, and the newest one now that they have proposed, the gentleman's leadership has proposed, not the gentleman, there is no money left. If we take 90 percent of the total unified budget and apply it to the debt, there is no money left this year to increase defense spending in those areas where the gentleman from California and I would agree. That is my problem. If my colleagues take it out 10 years, there is no money.

Let me go back. The gentleman from California mentioned the Reagan years. I happen to be a Member that served here during that period of time. I happen to be a Democrat on this side of the aisle that helped pass much of the Reagan revolution.

But I think it is important that we set in proper perspective, when we start comparing total outlays in spending as a percent of gross domestic product during the Reagan years was 21½ percent. It increased to 22 percent in the Bush years. It has dropped to 20 percent in the Clinton years, which the gentleman's side of the aisle had deserved some credit for bringing down the spending.

But when one counts administrations, it is not correct to say that government has grown in the last 8 years. It has not. Federal employment has dropped from 2.1 million Federal employees during the Reagan years, went up to 2.2 million in the Bush years, and dropped to 1.8 million in the Clinton years.

I do not say that in defense, because I am much more interested in the future than I am in the past. I rejoice in the fact that we now have a surplus, that we are, in fact, discussing how we shall spend the surplus. During my hour, we are going to talk about this surplus is fictional. We cannot spend it like it is real money. It is projected.

But discretionary spending, defense, defense spending, let me make this point to bear out what the gentleman has been saying as regards to defense. The Johnson years, oh, how we have

heard about those. Discretionary spending as a percent of gross domestic product was 12 percent. The Reagan years, it dropped to 9.5. The Bush years, it dropped to 8.5. The Clinton years, 6.8. Nondefense, though, 3.7. Johnson. Reagan, 3.5.

ORDER OF BUSINESS

Ms. KAPTUR. Mr. Speaker, I ask unanimous consent to reclaim my 5 minutes that was yielded to me earlier in the evening.

The SPEAKER pro tempore (Mr. SCARBOROUGH). Is there objection to the request of the gentlewoman from Ohio?

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, and I will not if the gentlewoman from Ohio will agree with this. The gentleman from Texas (Mr. STENHOLM) has just spoken. I would like to make maybe a 1- or 2-minute comment. I have to run to a dinner.

Mr. STENHOLM. Mr. Speaker, I can yield from my time.

Ms. KAPTUR. Mr. Speaker, I have no problem with that.

ONGOING SAGA OF BUDGET SURPLUS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 6, 1999, the gentleman from Texas (Mr. STENHOLM) is recognized for 60 minutes as the designee of the minority leader.

Mr. STENHOLM. Mr. Speaker, I yield to the gentleman from California (Mr. CUNNINGHAM).

REASONS FOR ECONOMIC PROSPERITY IN AMERICA

Mr. CUNNINGHAM. First of all, I agree with the gentleman that it is Congress that spends money. Congress is responsible for the budgets that go forward. The President and the Vice President make recommendations. My point is that those recommendations have not been wise. The recommendations that we have made have been fought, whether it is welfare reform, balanced budget and so on.

Secondly, the defense, we spent the money. I believe that, without the 1993 defense cuts, without the additional cuts, without the 149 deployments which has mostly come in, and the gentleman from Texas I think would agree, comes out of operation and maintenance for the military, those cuts have come deep.

There is also, fraud, waste, and abuse within DOD. We need to eliminate that as well, and I will work with the gentleman on that. But when it says that we are responsible for the state of the military, I disagree in the fact that we have been unable, whether it was extension of Somalia or Haiti or Kosovo and Bosnia, all of those different things, that that has put an additional toll on our military that we would not have had if we had not been forced into those peacekeeping missions. That is all I wanted to make a statement for.

Mr. STENHOLM. Mr. Speaker, I thank the gentleman from California (Mr. CUNNINGHAM) for that comment. Again, in that area, he and I are going to find that we agree a heck of a lot more than we disagree. But I wish he could stick around for the remaining hour because I would love to have a good honest discussion about where we might differ on some of how we get to that point. But maybe next time.

Mr. CUNNINGHAM. Mr. Speaker, I would be glad to arm wrestle with the gentleman from Texas (Mr. STENHOLM) or even the gentlewoman from Ohio (Ms. KAPTUR) in the future.

Mr. STENHOLM. Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

MARKETING OF VIOLENCE TO CHILDREN BY ENTERTAINMENT INDUSTRY

Ms. KAPTUR. Mr. Speaker, I thank the kind gentleman from Texas (Mr. STENHOLM) for yielding me a few brief moments here. I will not encroach on his time. I know he has been waiting. No one has been a finer leader on the issue of balancing our budget and getting the long-term debt and the annual deficits down than the gentleman from Texas (Mr. STENHOLM). He has been a leader for all of us. So for him to yield me a few moments of his time this evening is a great privilege for me, and I thank the gentleman so very much.

Mr. Speaker, I wanted to enter some remarks in the RECORD here concerning the recent ruling by the Federal Trade Commission that was highlighted in the New York Times yesterday and in every major newspaper around the country with the headline: ''Violence in the Media is Aimed at the Young, Federal Trade Commission says. Report finds pervasive and aggressive marketing of films and video games to our youth.''

I am so concerned about this I will be sending parts of my remarks tonight to the gentleman who represents the motion picture industry here in Washington, Mr. Jack Valenti, along with the heads of all of our three major commercial networks, along with the heads of those that sponsor MTV in our country, to say that we are the most affluent society in the world; and yet we witness constantly school shootings, teens committing murders, first graders carrying guns into our schools to shoot fellow students.

We can all ask ourselves what is happening deep inside this society and why do we have to read about children committing crimes, violent crimes almost on a daily basis. With all the national reports indicating major crime is coming down in our country, why is it that parents in my neighborhood feel that they cannot allow their children to ride their bicycles more than two blocks away from the house because they fear for their lives and for their health?

We live in a very, very working-class normal community in our country where people go to work every day, where seniors reside and so forth.

Following the terrible events at Columbine High School last year, President Clinton ordered the Federal Trade Commission to investigate the role that the entertainment industry played in promoting youth violence. The report that came out by chairman Pitofsky of the Commission says, and I quote: ''For all three industry segments, the answer is yes. Targeted marketing to children of entertainment products with violent content is pervasive and aggressive. Whether we are talking about music recording, movies or computer games, companies in each entertainment segment routinely end run and thereby undermine parental warnings by target marketing their products to young audiences.''

I bring this up also because we did a recent survey in our office of constituents in our district asking them about television.

□ 1830

Seventy-three percent of the respondents graded the impact of television on America's youth as unwholesome with a negative impact on youth development. Moreover, when asked to list three major concerns facing our country, constituents in Ohio's Ninth District responded television, radio, and movies contributed to the moral debasement of our youth.

If that is not bad enough, and that is the reason I am down here tonight, I received this letter from the country of Ukraine this week from a religious leader in that country who says to me, ''Congresswoman, you know, there is a deep economical crisis in our country today. Social wounds are opened like crimes, alcoholism, prostitution, drugs, and much of the humanitarian help coming from all over the world is in the form of clothing and food and medical goods. But, please, there is a lot of bad, immoral, wild nourishment,'' and he puts those words in quotes,'' that comes here as an ultra modern one.

''All this stinking mud that comes to Ukraine comes from America and from Europe. The cult of violence and pornography just fell as locusts onto our children's souls and their schools, their houses, and on the streets.

''The television today is working for hell, straight. Children are unprotected as no one else.''

So I say to those in charge of the visual images put before the people of the world, when a Member of Congress receives a letter like this from a citizen in another country, I have to tell you, it is a heavy burden that we carry of true embarrassment.

How do we defend this not just here at home, but abroad? It is defenseless. You cannot be happy about any of this.

Do my colleagues know what he asks? And I am going to ask Mr. Valenti, I am going to ask the major media moguls of our country. He says, ''We need help with ethics in our schools. We need help with printing

books to try to teach the youth here about our ethics. We need at least 10 copies of every book for every school library in our country. But, Congresswoman, publishing of these books on ethics cost money.

''Can you help us? In the current situation here, we do not have the ability to help ourselves yet.''

He says, ''Please share our opinion and our longing and then we ask you to help us in this thing for the children's good.''

So I appreciate the gentleman from Texas (Mr. STENHOLM) allowing me these few moments this evening.

I include this statement for the RECORD:

DEAR CONGRESSWOMAN KAPTUR: I ask you hoping your helping for us in the very necessary and important thing. ''Not with the bread alone lives a man''—these words might be the title of it.

There is a deep economical crisis in Ukraine now: a lot of social wounds are opened like crimes, alcoholism, prostitution, drugs etc. Much of the humanitarian help now come here from all over the world. Most of it is clothes, food, remedy, some goods. But, gentlemen, besides it there are a lot of bad, immoral, wild ''spiritual'' nourishment that comes here as an ultramodern one. All this ''stinking mud'' comes to Ukraine from America and Europe. The cult of violence and pornography just fell as locust onto children souls in their schools, houses, on the streets. The television today is working for hell, straight. Children are unprotected. They, as none else, need the pure hopeful spiritual nourishment. In the network of the secondary schools is introduced such a subject as ethics—the very important subject especially in the new democratic countries of the Western and Middle Europe, as well as in the whole world. But there is a lot of administrative formalism here. We still don't have good books for pupils. Today we need at least 10 copies of every book for every school library. We work on this field a lot. But publishing of the thousands books needs considerable cost.

Please share our opinion and our longing, then we ask you to help us in this thing, for the greater God's glory and for the children good.

With respect,

S.P.

Mr. Speaker, I say to the Federal Trade Commission, be strong in what you do. Please help our country lead each of us to a better world for ourselves and for our children here at home and abroad.

Mr. Speaker, I thank the gentleman whose words of wisdom I know on our budget situation will also help lead us to a wiser course. He has been so responsible for the better situation in which we find ourselves.

Mr. STENHOLM. Mr. Speaker, I thank the gentlewoman for her comments, and I thank her for her remarks on another very important subject to a lot of us.

Mr. Speaker, let me take just a few moments again and discuss the ever ongoing saga of the Federal budget. And again I repeat, as I did to my good friend the gentleman from California (Mr. CUNNINGHAM) a moment ago that, whenever it sounds like I am pointing a finger, I always acknowledge that there are three pointing back at me.

But so often is the case that we tend to exaggerate the truth. I am often reminded of the infamous words of an Oklahoman, Will Rogers, who once observed, ''It ain't people's ignorance that bothers me so much. It is them knowing so much that ain't so is the problem.'' And we get an ample amount of statements on this floor that are just not so.

It is great for our country that we are now running a theoretical surplus. But just as in the September 4 issue of U.S. News and World Report, Mortimer Zuckerman, the editor in chief, stated, ''the surplus is a mirage.'' He is correct.

We have heard the gentleman from Mississippi (Mr. TAYLOR), and perhaps he will join us a little bit later again this evening, talking about the fact that there really is no surplus. Well, I think we have to adjust that statement a little.

The Concorde Coalition's debt clock on Wall Street came down last week. Last week was the first week in which we did begin to run a small surplus. But to those that continue to talk about a $4.6 trillion surplus like it is real money, I would urge a little bit of concern and caution.

We all acknowledge when we hear $4.6 trillion in surpluses that these are projected. Not a one of us in this body can predict tomorrow much less the next 10 years.

All of us, both sides of the aisle, agree that of that $4.6, $2.3 trillion is now Social Security trust fund. It is the amount working men and women are paying into the Social Security system over and before what is being paid out to those receiving their Social Security checks today.

Now, that $2.8 trillion we are agreeing to set aside. It is in a lockbox. Call it what you want to. But the basic truth is we are paying down the debt with that amount of money, and that is the best lockbox we can put on it.

But what is not mentioned on this floor is that $2.3 trillion over the next 10 years is not going to be enough to fully pay the guarantees under Social Security beginning in 2010, the year that the baby boomers begin to retire.

Therefore, that is a concern and that is why some of us have been insisting that before we pass large tax cuts we should first decide how are we going to fix Social Security for the future so that our children and grandchildren will have the opportunity to receive the benefits that are promised to them under current law. And no one can come to this floor and say that that will happen unless we make some changes in the current system.

But of the remaining $2.8 trillion, most of this is a mirage. Quoting again from Mortimer Zuckerman because he is right on target: ''The surplus forecast assumed that nonentitlement spending including defense spending will not exceed the rate of inflation.''

Now, we have already heard from our colleague, one of the true experts on defense spending, that we must increase the amount of spending that we are now doing on defense because we are short of parts, we are short in the area of operations and management and maintenance, and we are drastically short changing the future by not making capital investments in our defense capabilities.

That means that by assuming that we are going to only increase defense spending at the rate of inflation is a mirage.

What is scary to me is that, if enough people believe this and we should pass a $1.6 trillion tax cut that we would find out there will be no money there for any increases and that our country cannot afford.

Now, we hear about Social Security, another trust fund that I think needs to be locked up and taken off budget, and again I hear bipartisan agreement to this; and that is in the area of Medicare, $400 billion.

If we take all of the needed increases, defense, military and veterans' programs, health care, this is one area that the majority of Members on both sides of the aisle agree that we are going to have to put some additional monies into the Medicare and Medicaid reimbursement system or we are going to close tens if not hundreds of hospitals around the United States, 10 to 12 in my district alone. Therefore, this will require some additional investment of our taxpayer dollars.

Let me be very clear. When I talk about dollars in spending, I readily concur and agree that Congress has no money to spend except that which we take from the American people through the tax system. So whenever we are talking about the expenditure of funds, expenditure of dollars, I readily agree it is your dollars, it is our dollars, but I think it is important when we add up all of these set-asides and lockboxes, increased defense needs, the true surplus projected is closer to $800 billion than $4.6 trillion.

That is why the Blue Dogs on this side of the aisle have for the past year been advocating a simple formula as to how we deal with this year's budget.

We have suggested that we ought to apply half of the projected on-budget surplus to pay down the debt first and divide the remaining half equally in half and say devote half of it to tax cuts targeted toward the death tax relief, the marriage tax penalty relief, and many other muchly needed tax relief proposals, but do it in a conservative way; and then use the other one-fourth of this surplus, or half of the half, for those spending increases in defense, as I agree with the gentleman from California (Mr. CUNNINGHAM) that the need is there, for our veterans, for our military retirees, for health care, for our pharmaceutical benefit.

Now, here is the problem: Today, once again, we had a veto override and the rhetoric flowed around this body about the need for that tax cut. Let me make it very clear. I totally agree, 100

percent, that we should eliminate the marriage tax penalty. But it does not require $292 billion of the projected surplus in order to eliminate the marriage tax penalty. It takes $82 billion. And that is where the problem comes in, because that extra $292 billion adds up to a total number of tax cuts that we do not have the money to do.

Let me quickly run over those, because my colleagues are going to hear a lot now about the new budget. I would congratulate my friends on the other side of the aisle for coming around finally to the Blue Dog position on debt reduction, at least in their rhetoric. But, unfortunately, when we start talking about 90 percent of the surplus being applied to the debt, those numbers do not add up.

I am surprised that the leadership of this body would continue to put out numbers that anyone that understands simple arithmetic knows do not add up.

The unified surplus for this year, for example, 2001, is projected at $268 billion. If we take 10 percent of that, that is $28 billion available for tax cuts and appropriations this year. Debt service costs $1 billion.

Already this year, we have voted the marriage penalty tax cut. That takes $15 billion in 2001 if it would have passed. But it did not. It was vetoed. I am saying if it would have passed, which I assume was the desire of my friends on the other side of the aisle or they would not have attempted to override the President.

The small business minimum wage tax cuts would cost $3 billion. The Portman-Cardin pension and IRA tax cuts $1 billion. Telephone excise tax repeal $1 billion. Repeal of the 1993 tax on Social Security benefits $4 billion. Total tax cuts $25 billion. Medicare provider restorations, of which we are in agreement, $4 billion. That makes the total proposals $29 billion. That has a deficit of $2 billion.

And we have not made any increases in defense spending. We have not dealt with the emergency conditions all over this country, the drought, the fires in the northwest, the lack of drinking water over much of Texas. None of these needs have been met as yet. But yet, we continue to talk about, or at least we did up until today, that the major emphasis this year must be on tax cuts.

Now, the Blue Dogs believe very, very sincerely and very strongly that the best tax cut we could give the American people is to pay down the national debt first. And after we have agreed on paying down the debt, then let us discuss how we might in fact deal with fiscally responsible tax cuts just in case the projections are not accurate.

□ 1845

It is amazing to me how businessmen and women who serve in this body, who would never, ever, think in terms of spending a projected surplus in their own business or in their own family situation, suddenly can come to this floor and suggest that that is what we ought to do with our country.

I do not understand it. But then when you start being critical, it is important to then start talking about what you are for. To our leadership, I would suggest that one of the things that we have done over the last several years, and I give credit to the other side of the aisle for their share of this accomplishment, caps on spending have worked fairly well in reducing discretionary spending. In fact, let me again read to you some interesting numbers, because one would never believe, never believe, that discretionary spending is coming down when they listen to the charges that are made from the other side of the aisle.

Discretionary spending as a percent of our gross domestic product in the Johnson years was 12 percent; in the Reagan years it dropped to 9.5 percent; in the Bush years it dropped to 8.5 percent. In the last 8 years, it has dropped to 6.8 percent. Nondefense discretionary spending has gone from 3.7 percent in the Johnson years to 3.5 in the Reagan years up to 3.7 in the Bush years and dropped to 3.4 percent in the last 8 years.

These are the accurate and honest numbers.

Now, what do we do? I am very disappointed that we have not been able to sit down now and put a new set of caps. We have to put some discipline on spending in this body, on my side of the aisle and, quite frankly, on the other side of the aisle, because it is interesting to me, when we hear that somehow we on this side of the aisle are still blamed for spending we have been in the minority for 6 years. Last time I checked, the minority party cannot spend money. We do not have 218 votes, and, therefore, again, spending is bipartisan.

I would like to see us put some discipline on us. I would like to see us argue for a change on this floor as to what the caps on discretionary spending ought to be in 2001, and then put some caps, realistic caps, in what we can do and must do in 2002, 2003, 2004, and 2005. It would put some discipline on this body that, quite frankly, we need. It is healthy for the Congress and all of the committees to be giving realistic numbers, but also tight numbers that we must follow because that tends to help us avoid being wasteful, which we can do a pretty good job of.

The Concord Coalition has recommended this. Spending caps should be retained but raised to realistic levels, and I think as we debate now what those spending levels shall be in this omnibus spending bill that it would make good sense for us to agree on that level. The Blue Dogs have suggested, and here the Republican budget calls for the expenditure in the discretionary, that is what Congress votes to spend, of $600 billion. The President is recommending $624 billion. The Blue Dogs have suggested all year that the number of $612 billion would be a reasonable compromise. It is a good target to shoot for and in a total budget of 1.8 or 900 billion, compromising somewhere around $612 billion on discretionary spending would be a good place to start, but maybe there is a different number. Whatever it is, I would hope that we would not do a 1-year budget but that we would put in caps that are realistic that will meet the human needs of the defense of this country, the health of this country in Medicare and Medicaid, our much needed improvement in veterans, in military retirement programs, in the much needed investment in education in this country, and in agriculture, because in agriculture we are in the depths of a depression. Our prices are as low as they were during the Depression. We have drought. We have all kinds of problems in which we are going to need to make some kind of an investment there, or pay the price.

One never has to do anything, but there are some needs here and these are the priorities.

Fiscal discipline, it would be nice if every once in a while we did have a true bipartisan attempt to arrive at these numbers, but it seems like those are illusory; and I guess we are going to have to wait until the 107th Congress before we will get a chance to do some of what I am talking about tonight, but maybe not.

Let me refresh all of our memories again because my friend from California was talking the blame game a moment ago, and I hate to talk about him, he is no longer on the floor; but as he and I agreed we are going to try to find another hour sometime in which we can have some of these discussions because I happen to agree with him on much of his defense positions.

But it is interesting when we look at the economy and where it is today and who is taking the credit for what, from a pure budget standpoint, voted by the Congress, I happen to still believe very strongly the foundation of this economy that has given us the longest peacetime economic expansion in the history of our country these last 8 years, that the foundation was laid in 1991. It was the so-called Bush budget, President Bush. He paid dearly for it. He was unelected in 1992, but many of the tough decisions that were made in that budget, I believe, laid the foundation for the economy that we now enjoy. That is a personal opinion, and it is interesting when we look at who voted for that budget we will find that only 37 Republicans supported our President in 1991. It took bipartisan support to pass that budget, and many of us have been blamed for that ever since.

Then we come to the 1993 budget. Remember that one? That was the Clinton budget. That was one that we Democrats paid dearly for. We got unelected and we got in the minority for the first time in 40 years. Zero Republicans voted for that budget that

year, but I think that put the walls up on the economy. It was a tough budget. Admittedly, I did not support all of that budget. I had my differences, particularly on the spending side, but it passed.

Then we go on to the 1997 balanced budget agreement, and that budget also took bipartisan support. One would think from the rhetoric on the other side of the aisle that this was all done with Republican support, but only 187 Republicans supported it. I should not say only. I give them tremendous credit for being 187 to pass that budget, but it took 31 Democrats to stand up for that one, too; and not everybody has been happy with that budget, but that is the history.

When we start talking about the budget for this year, the Blue Dogs have been suggesting the 50/25/25 solution all year long. Take all of Social Security off budget. Take the remaining surplus projected and half of it pay down the debt and divide the other half equally between spending and tax cuts. We have 177 votes for our budget. That is not enough. 140 Democrats support it. Only 37 Republicans support it, but I appreciate the 37 and the 140.

That brings us to where we are today. It is interesting today, because, again, one listens to the rhetoric, I am reading from the Congressional Daily today. Senator LOTT said we know the fiscal year 2001 surplus will be $240 billion to $250 billion. We do not know what the surplus will be in 6 years. Exactly. That is the point some of us have been trying to make. That is why some of us have cast some very difficult votes regarding the death tax, regarding the marriage tax penalty.

We have said let us fix those two problems the best we can. In the case of the death tax, let us make sure that no estate of $4 million and less will ever have to deal with the confiscatory, sometimes downright, what I would consider, almost criminal confiscation of property of small businesses. We can do that, and the President will sign that. It does not take $105 billion, and it does not take leaving a black hole in 2010 for Social Security, which is my primary objection to that bill that is no longer on the table.

The Concord Coalition has some good ideas. In deciding the future of discretionary spending caps, policymakers must balance four major objectives: adequate funding for national priorities. We can find some bipartisan support for determining that number, and we can put some new caps into place that we can certainly live with for the next 5 years. They have to have some political reality. We cannot come on the one hand and spend all of it on a tax cut before we get into the priority spending and we have to get honesty in budgeting. I think the Concord Coalition is on to something, as they usually are, because they are bipartisan in nature. They avoid the partisan rhetoric that often flows around this body, particularly in those years divisible by two.

Let me just say kind of in conclusion, I believe the gentleman from Iowa (Mr. GANSKE) is here and I do not want to take the entire hour today. I was expecting some other colleagues to join me, but they are not here. Let me just say that let us not get too carried away with this new budget that has been offered by the leadership of this body to suggest that 90 percent solution.

Mr. Speaker, it does not add up. It just does not add up, and it is time for us to realize that we cannot go an entire year on a game plan of saying that the most important thing we need in this country is a tax cut and then find out we cannot pass it because we should not pass it, and then all of a sudden flip to a new budget that does not add up. Neither one has added up, but there is still support on this side of the aisle, and we would be surprised how much bipartisan cooperation we could get if we just acknowledged that the $4.6 trillion surplus that is projected is not real and should not be spent as real money.

PATIENT PROTECTION LEGISLATION AS IT RELATES TO HEALTH MAINTENANCE ORGANIZATIONS

The SPEAKER pro tempore (Mr. SCARBOROUGH). Under the Speaker's announced policy of January 6, 1999, the gentleman from Iowa (Mr. GANSKE) is recognized for 60 minutes.

Mr. GANSKE. Mr. Speaker, I thank the gentleman from Texas (Mr. STENHOLM) for yielding a little earlier this evening. Just as a form of notice to the next speaker, I will probably speak somewhere between 20 and 30 minutes.

Mr. Speaker, I want to talk tonight about a topic that I have come to the floor many, many times in the last several years to speak about, and that is on the issue of patient protection legislation as it relates to health maintenance organizations, HMOs.

Mr. Speaker, I remember a few years ago, it must be about 4 years, that my wife and I went to a movie called As Good as It Gets. We were in Des Moines, Iowa, at a theater and I saw something happen that I do not think I have ever seen at a theater. During that scene, when Helen Hunt talks to Jack Nicholson about the type of care that her son in the movie, with asthma, was getting from her HMO and she uses some rather spicy language that I cannot say here on the floor of the House of Representatives, people stood up and clapped and applauded in that movie theater. I do not think I have ever seen that before.

□ 1900

Mr. Speaker, that was an indication 4 years ago that there was a problem with the type of care that HMOs were delivering. Then, Mr. Speaker, we began to see the problems that patients were having with HMOs captured in political cartoons. Things like cartoons in the New Yorker Magazine. Here was one. This is pretty black humor. We have a secretary at an HMO, and she is saying ''Cuddly care HMO. My name is Bambi. How may I help you?''

Next one, ''You are at the emergency room and your husband needs approval for treatment.'' Next one, ''Gasping, writhing, eyes rolled back in his head does not sound all that serious to me. Clutching his throat, turning purple. Um-hum?'' And she says here, ''Have you tried an inhaler?'' She is listening on the phone. ''He is dead. Then he certainly does not need treatment, does he?'' And the last picture there on the lower left shows the HMO bureaucrat saying ''People are always trying to rip us off.''

For years now we have seen headlines like this one from the New York Post, ''What his parent did not know about HMOs may have killed this baby.''

Here is another cartoon. This is the HMO claims department, HMO medical reviewer with the headphone set on is saying, ''No. We do not authorize that specialist. No. We do not cover that operation. No. We do not pay for that medication.'' Then apparently the patient must have said something, because all of a sudden the medical reviewer at that HMO kind of sits up and then angrily says, ''No. We do not consider this assisted suicide.''

Or how about this headline from the New York Post, ''HMO's cruel rules leave her dying for the doc she needs.'' Pretty sensational headlines.

And then we had this cartoonist's view of the operating room, where you have the doctor operating. You have an anesthesiologist at the head of the table and then you have an HMO bean counter. The doctor says, ''Scalpel.'' The HMO bean counter says, ''Pocket knife.'' The doctor says, ''Suture.'' The HMO bean counter says, ''Band-Aid.'' The doctor says, ''Let us get him to the intensive care.'' The HMO bean counter says, ''Call a cab.''

Some of these I think have passed the realm of being even humorous, because it has just been going on too long. You notice you do not see Jay Leno or David Letterman talking much any more about HMOs. It has just gone on too long. People are being hurt every day by capricious rules that deny people medically necessary care by HMOs; and patients have lost their lives because of it.

Here are some real-life examples. This woman was hiking in the mountains west of Washington, D.C., in Virginia. She fell off a 40-foot cliff. She fractured her skull. She broke her arm. She had a broken pelvis. She is laying there at the bottom of this 40-foot cliff. Fortunately, her boyfriend had a cellular phone. So they flew in a helicopter. They strapped her on, flew her to the emergency room. She was in the ICU, there for weeks on intravenous morphine for the pain.

And then a funny thing happened, when she finally got out of the hospital, she found out that her HMO refused to pay the bill. Why, you ask.

Well, the HMO said that she did not phone ahead for prior authorization.

Now, I ask you something, this lady's name is Jackie, how was Jackie supposed to know that she was going to fall off that cliff, then maybe when she is lying at the bottom of that cliff semicomatose she is supposed to have the presence of mind with her nonbroken arm to reach into her coat pocket and pull out a cellular phone and dial an 1–800 HMO number and say I just fell off a 40-foot cliff, I need to go to an emergency room, is that okay? Maybe when she is in the ICU for a week on intravenous morphine, she is supposed to have the presence of mind to phone the HMO? Real life story.

How about this woman in the center? This woman's case was profiled on a cover story on Time magazine 2 years ago, maybe it was 3 years ago now. Her HMO denied her medically necessary care, and she died. Now, her little boy and her little girl do not have a mother and her husband does not have a wife.

Before coming to Congress, I was a reconstructive surgeon. I took care of babies that were born with this type of birth defect, a cleft lip and a cleft palate. Do you know that more than 50 percent of the surgeons who repair these types of birth defects have had HMOs deny operations for repairs related to this defect, because HMOs have said that that is a ''cosmetic defect''?

Just imagine that you were the parents of a baby born with this defect, number one, the baby is not going to learn how to speak normally, because there is a hole in the roof of the mouth. Food is going to come out of the nose. Is that a cosmetic problem? Is speech a cosmetic problem? Not that I ever heard of. I happen to think it is a human right. It is a devine right to look human, and I think it is just absolutely wrong for HMOs to do what they do to kids who are born with birth defects, many times worse than this.

Let me tell you about this little baby boy. His name is James. When he was 6 months old, about 3:00 in the morning, his mother found that he was really sick, and he had a temperature of about 105. She asked her husband what they should do, and they said well, we better phone that HMO that we belong to. They phoned the 1–800 number talked to a member a thousand miles away, explained how sick their baby was, and that voice at the end of the line, who never examined this baby to see how sick he was, said, well, I will authorize you to go to an emergency room, but we only have a contract with one, so we are only going to let you go to that one, that is it.

Well, mom and dad are not medical professionals, so they hop in the car. Unfortunately, that authorized hospital was more than 60 miles away, 60 miles away, clear on the other side of metropolitan Atlanta, Georgia. En route mom and dad passed three emergency rooms that they could have stopped at.

They knew Jimmy was sick. They were not medical professionals. They did not stop because they knew if they did it without authorization, they would be left with a bill. Unfortunately, before they got to the authorized hospital, Jimmy had a cardiac arrest. Imagine you holding little Jimmy trying to keep him alive while you are trying to find that distant emergency room. Finally, when they pull in to the hospital emergency room, mom throws open the door, leaps out, screaming, help my baby, help my baby, a nurse comes running out, resuscitated Jimmy.

They put in lines. They give him medicines. They get him going. They save his life. Unfortunately, because of that delay in medically necessary treatment, they cannot save all of Jimmy because gangrene sets in in his hands and his feet, and little Jimmy's hands and his legs have to be amputated. That HMO made a medical decision, instead of saying it sounds like he is sick, take him to the nearest emergency room, it is okay with us, we will pay for it. They said, no, no, we only authorize you going to that far away hospital.

Mr. Speaker, little Jimmy is going to live all the rest of his life with bilateral hooks for hands, with protheses for legs. He is about 7 years old now. In fact, I brought him to the floor of this House of Representatives during our debate on patient protection legislation almost a year ago, and he is a great kid. He is doing good. He has got good folks, but I will tell you what, he is never going to play basketball, and he is never going to touch with his hand the cheek of the woman that he loves, and that HMO should be responsible for that decision.

Unfortunately, there is a Federal law, a 25-year-old Federal law called the Employee Retirement Income Security Act. It was really written to be a pension law, but it was applied to health plans. And what it did was it took away oversight of health insurance from the States for people who get their insurance through their employer, and it did not institute any of the safeguards for quality control to prevent the types of problems like little Jimmy had, that your State insurance commissioners normally do. It left a vacuum.

Furthermore, it said that the only liability that that health plan would have would be the cost of treatment denied, the cost of treatment denied. That means that if little Jimmy is in an employer-sponsored health plan, a self-insured plan, the only thing that that health plan is liable for is the costs of his amputations. What about all the rest of his life? Is that fair? Is that just? I do not think so. Neither does the Federal judicial, neither do the Federal judges whose hands are tied, because of this law called ERISA.

Judge Gorton in Turner v. Fallon Community Health Plan said even more disturbing to this court is the failure of Congress to amend a statute that, due to the changing realities of the modern health care system, has gone conspicuously awry from its original intent.

I have had Federal judges tell me, beg me to change that Federal law; number one, they think that these types of medical malpractice decisions should be handled in the State courts, like they are for anyone else. Number two, they realized that because of provisions in that law, they cannot even address the issue of the health plan defining medical necessity in any way they want to.

What does that mean? Well, under the ERISA law, a health plan can write a contract for the employees that basically says we are not liable for anything if we follow our own definition of what we consider to be medically necessary. So they can write a provision in the contract for an employee, for you, that would basically say we define medical necessity as the cheapest, least expensive care, quote, unquote, as determined by us.

That means that for this little boy who was born with a cleft lip and palate, instead of the traditional and optimal treatment of surgical correction utilizing the baby's own tissues to rebuild the defect, that HMO could say well, under our definition of the cheapest least expensive care, you know, just in the roof of his mouth, that big hole there, just put like an upper denture plate.

□ 1915

It is called an obturator, made of plastic. Of course, a baby like this, it might fall out, it might even be swallowed. So what? We can do that, because we defined it, medically necessary care, as the cheapest, least expensive care. I think that is wrong. That is why judges are saying, they are begging Congress, please, please, change that law. Our hands are tied.

Well, here we are, as I said before, almost a year since we passed in this House a bipartisan vote, 275 to 151, the Norwood-Dingell-Ganske Bipartisan Consensus Managed Care Reform Act, a real patient protection act. It has been almost a year. And I will tell you what, the public's opinion has not changed one bit about HMOs.

Today in USA Today they quote from a Gallop organization poll a list of occupations or organizations that people say they have a great deal of or quite a lot of confidence in those institutions. At the top of the list is the military; 64 percent of the public have a great deal of confidence in the military. Organized religion, 5 percent of the public; the police, 54 percent; the Supreme Court, 47 percent.

Then we get down toward the bottom of the institutions. Congress is down here at 24 percent. The criminal justice system, 24 percent. This probably reflects all of the news stories on the death penalty lately. But right at the very bottom of this, of institutions

that the public respects, only 16 percent of the public thinks HMOs are deserving of respect, only 16 percent.

In fact, overwhelmingly, the public thinks that Congress should pass and the President should sign a real patient protection law, one that would do many things: one that would cover all Americans; one that would allow doctors to make medical decisions; one that would hold those HMOs accountable for their decisions; one that would guarantee minimum health plan standards; one that would allow you to appeal a decision to an independent review panel if an HMO denies your care; and one that would have that independent panel make that determination of medical necessity, not some bogus definition by the health plan. These are all things that were in our bill, the Norwood-Dingell-Ganske bill, that we passed.

Well, the Senate passed a bill too; and, unfortunately, to be honest, I would have to characterize that Senate-passed bill as an HMO protection bill, an HMO protection bill, because it actually, in my opinion, had provisions that were worse than the current situation, that gave additional protections to health maintenance organizations, rather than additional protections to patients.

After the House passed its bill and the Senate passed its bill, it went to conference to iron out differences between the bills, and that conference has not met in months. It is a failed conference, nothing has come out of it, so it is time to move; it is time to try something different.

In an effort to get patient protection legislation signed into law, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), myself, and Senator KENNEDY have created a new discussion draft of the House-passed bill, the Norwood-Dingell-Ganske bill, that seeks compromise with Senator NICKLES' amendment; and some of the ideas of the House substitute bills from last year that did not pass.

We continue to think the original Norwood-Dingell-Ganske bill is just fine and should be signed into law, but we are willing to be flexible in order to get a law, in order to get action in the Senate. We and the American Medical Association and over 300 health care groups who supported last year's House-passed bill have developed this discussion draft to see if it would help bring some Republican Senators on board.

We have had positive responses from a number of Republican Senators, including those who have previously voted against the Norwood-Dingell bill, as well as those who have voted for the Norwood-Dingell bill. We remain optimistic that we may soon have an opportunity to break this logjam.

This discussion draft, which we have provided to the Speaker of the House along with the actual legislative language in detail, does many things. It includes many of the protections nearly all parties need to be addressed, including the right to choose your own doctor, protections against gag clauses, access to specialists, such as pediatricians and obstetricians and gynecologists, access to emergency care, so we can prevent something from happening like happened to poor little Jimmy, and access to information about the HMO's plan.

This discussion draft applies the patient protections to all plans, including ERISA plans, non-Federal Governmental plans, and those covering individuals. So we cover over 190 million Americans. This new draft addresses the concerns of those who want to protect States' rights by allowing States to demonstrate that their insurance laws are at least substantially equivalent to the new Federal standards, thereby leaving the State law in effect. State officials could enforce the patient protections of State law. The Secretary of Labor and Health and Human Services can approve the State plan or challenge it on grounds that it is inadequate.

Under the new draft, doctors will make medical decisions involving medical necessity. When a plan denies coverage, the patient has the ability to pursue an independent review of the decision from a panel independent of the HMO. This external review is composed of medical professionals totally independent of the plan and whose final medical necessity decision is legally binding on the plan.

We took the lead from the Nation's courts with particular attention given to the Supreme Court's decision in Pegram v. Hedrick. The new draft reflects emerging judicial consensus. Recent court decisions have suggested injured patients can hold health plans accountable in State court in disputes over the quality of medical care, those involving medical necessity decisions. However, patients would have to hold health plans accountable in Federal court if they wanted to challenge an administrative decision to deny benefits or coverage or for any decision not involving medical necessity.

In addition to specific legislative provisions, the discussion draft, this discussion draft, answers continuing questions about the original Norwood-Dingell-Ganske bill. For instance, the draft says employers may not be held liable unless they ''directly participate'' in a decision to deny benefits as a result of which a patient was injured or killed. Even then defendants could not be required to pay punitive damages unless they showed ''willful or wanton disregard for the rights or safety'' of patients.

Another concern about the Norwood-Dingell-Ganske bill was whether it would affect the ability of health plans to maintain uniformity in different States. This new draft only subjects plans to State law when they make medical decisions that result in harm. This discussion draft will allow Republican Senators who have voted against the original Norwood-Dingell bill to vote for a real patient protection bill. Will they take up this opportunity? Stay tuned. But time is running out. People are waiting to see whether this Congress will actually deal with one of the major health concerns that the public has. Eighty-five percent-plus of the public thinks Congress should pass patient protection legislation to protect them from HMO abuses, 85 percent. About 75 percent think that that should include legal responsibility for the HMOs.

If this bill, this discussion draft, is ignored, then I am sure we are going to see this as one of the major issues in the coming election, and we should, and we should. We have been working on this legislation now, the gentleman from Georgia (Mr. NORWOOD), the gentleman from Michigan (Mr. DINGELL), SENATOR KENNEDY and others, for about 4 years.

When I am back home in the district people say, Why is it taking you so long to get something passed that the public overwhelmingly wants? I tell them we are fighting a very, very powerful industry that has spent $100 million lobbying against this piece of legislation, some very, very powerful Washington special interests, who are seeking to, in my opinion, make sure that their bottom line profits come ahead of patient protections.

Well, we will see whether we get this done. There are not too many more weeks when I will be able to come to the floor and speak about this issue, but as long as we are in session for the rest of this year, I will try to get an opportunity to inform my colleagues on where we stand. But I wanted my colleagues on both sides of the aisle to know that the Republicans and the Democrats who truly want a real patient protection piece of legislation are working together.

We have never said, along with the 300-plus consumer groups and professional groups that think that this legislation should pass too, we have never said it has to be the Norwood-Dingell-Ganske bill word for word. That is why we have come up with this discussion draft. That is why the language for many of these provisions is taken from the Nickles amendment, the Coburn-Shadegg amendment and others, at least half of the language. We have made some adjustments to correct some of the defects as we see it in some of those provisions, but we have been willing to work towards a compromise to finally get this signed into law. We are this close. It would be a shame for the leadership of Congress to hold this important piece of legislation up.

As a physician who has taken care of patients who have had a lot of troubles with HMOs, I have been on the front line; and I have seen that we truly need this type of legislation.

This is not a piece of legislation for physicians. In fact, there are provisions in our bill that could actually decrease

physician income. Nevertheless, the professional groups support this. Why? Because their first and foremost job is to stand up for and to advocate for their patients. That is why they take that Hippocratic Oath.

□ 1930

The patient-doctor relationship is foremost. HMOs have interposed themselves between the doctor and the patient. Quite frankly, they have put a financial consideration rather than the patient's best care into that decision-making. Mr. Speaker, we need to swing that pendulum back.

Now, this brings me, finally, and I just would like my colleagues from the other side to know that I only have a few more minutes in which to speak; this brings me to another health care issue, and that is that when we passed the Balanced Budget Act in 1997, we passed several provisions on reducing the rate of growth in Medicare. The implementation of those provisions has actually produced significantly more savings than we planned on, and those savings have had a significantly harmful effect on some of the provider groups.

Mr. Speaker, I just finished a series of town hall meetings around my district. I represent Des Moines, which is a major metropolitan suburban area, but I also represent southwest rural Iowa. There are a lot of small town county hospitals in my district. Because of certain provisions from the Balanced Budget Act with reduced payments to those hospitals, those hospitals are having a real hard time and are right on the verge of financial insolvency.

I grew up in a small town in northeast Iowa. I know how important it is that a small town have a hospital. It is important for a number of reasons. It is important for the people who live in that town or the farm families around it so that they do not have to travel 70 or 80 miles if they have a heart attack or if they want to deliver a baby, but it is also very important to the financial survival of that small town. If we do not have a hospital in that small town, it is hard to keep doctors in the town. If we do not have a hospital and doctors in that town, it is hard to keep businesses in that town, and it is almost impossible to convince any other business development in that community. So we are talking about not only an issue of public health, but we are also talking about an issue of economic survival.

My committee, the Committee on Commerce, is in the process, along with the Committee on Ways and Means, of drawing up a bill to bring some additional funds back into Medicare. I am working hard to ensure that we get some additional funding for those small towns and rural hospitals in Iowa and in other areas around the country. There will be discussion on whether we should provide additional payments to Medicare HMOs. I think we need to be careful on doing that.

Mr. Speaker, I have here a Report to Congressional Requesters from the United States General Accounting Office on Medicare Plus Choice. It is Entitled Payments Exceed Cost of Fee-for-Service Benefits, Adding Billions to Spending, and it is dated August 2000, and it was requested by Senator GRASSLEY, by Senator ROTH, by the gentleman from Michigan (Mr. DINGELL), and by the gentleman from California (Mr. THOMAS). I think it is really important for me to read the summary, the results, in brief:

''Medicare Plus Choice,'' this is a quote from this GAO report:

Like its predecessor managed care program, has not been successful in achieving Medicare savings. Medicare Plus Choice plans attracted a disproportionate selection of healthier and less expensive beneficiaries relative to traditional fee-for-service Medicare, a phenomenon known as favorable selection, while payment rates largely continue to reflect the expected fee-for-service costs of beneficiaries in average health. Consequently, in 1998, we estimated that the program spent about $3.2 billion or 13.2 percent more on health plan enrollees than if they had received services through traditional fee-for-service Medicare. This year, the Health Care Financing Administration implemented a new methodology to adjust payments for beneficiary health status. However, our results suggest that this new methodology, which will be phased in over several years, may ultimately remove less than half of the excess payments caused by favorable selection. In addition, the combination of spending forecast errors built into the plan payment rates and the Balanced Budget Act payment provisions cost an additional $2 billion, or 8 percent in excess payments to plans instead of paying less for health plan enrollees. We estimate that aggregate payments to Medicare Plus Choice plans in 1998 were about $5.2 billion, or approximately $1,000 per enrollees more than if the plan's enrollees had received care in the traditional fee-for-service program. It is largely these excess payments, and not managed care efficiencies, that enable plans to attract beneficiaries by offering a benefit package that is more comprehensive than the one available to fee-for-service beneficiaries while charging modest or no premiums.

Mr. Speaker, this brings us directly to the issue of prescription drug coverage. Because what this is saying is that number one, the Medicare HMOs have been skimming off the healthier beneficiaries so that they would have lower costs. That way they make more money on covering those. They are getting paid more for those Medicare beneficiaries than if those beneficiaries were simply in the regular Medicare plan. With those excess profits, what they do is they can entice other healthier seniors into it by offering a prescription drug benefit. I think as we consider whether and how Congress should implement a prescription drug benefit, we need to take into account this GAO report that documents that we have actually lost money with our Medicare HMOs, rather than saved money with our Medicare HMOs.

So when we look at this Medicare give-back bill that is coming along and will be signed into law, passed and signed into law, I am pretty sure, I think we ought to be very careful and judicious about providing more money to those Medicare HMOs. We ought to be looking, in my opinion, at ways to provide pharmaceutical coverage, a prescription drug benefit for Medicare beneficiaries, regardless of whether they live in New York or Los Angeles or Miami or Harlan, Iowa. That benefit I think should be equally available, regardless of where one lives in this country. If we dump additional billions into a failed HMO program called Medicare Plus Choice, then I think we will be throwing money down the drain.

So clearly, this will be a package of provisions, and I absolutely feel that it is important to support provisions for additional coverage for our rural hospitals, for example, but I will also do my best to try to make sure that we do not go overboard with providing additional funds to Medicare HMOs, when this report from the GAO shows that even with the implementation of a new risk adjuster, we will still only take care of 50 percent of the excess payments.

Well, Mr. Speaker, I very much appreciate the opportunity to speak tonight on health care issues, and I look forward to working with my leadership and with members on both sides of the aisle to try to get adjustments made for Medicare for our rural hospitals and to get finally signed into law a real patient protection bill modeled along the lines of what we passed here in the House almost a year ago, the Norwood-Dingell-Ganske bipartisan consensus Managed Care Reform Act.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GILCHREST (at the request of Mr. ARMEY) for today on account of family matters.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCNULTY) to revise and extend their remarks and include extraneous material:)

Mr. HOLT, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. INSLEE, for 5 minutes, today.

Mr. PASCRELL, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. GREEN of Texas, for 5 minutes, today.

Mr. FARR of California, for 5 minutes, today.

(The following Members (at the request of Mr. DUNCAN) to revise and extend their remarks and include extraneous material:)

Mr. MCCOLLUM, for 5 minutes, today and September 19 and 20.

Mr. DUNCAN, for 5 minutes, today.
Mr. BILBRAY, for 5 minutes, today.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

ADJOURNMENT

Mr. GANSKE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 40 minutes p.m.), under its previous order, the House adjourned until tomorrow, September 14, 2000, at 9 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9988. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule—Food Stamp Program: Electronic Benefit Transfer (EBT) Systems Interoperability and Portability (RIN:0584–AC91) received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9989. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting the Department's final rule—Pink Bollworm Regulated Areas [Docket No. 00–009–2] received September 1,2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

9990. A letter from the Secretary, Department of Defense, transmitting a report on the approved retirement and advancement grade of Admiral Donald L. Pilling, United States Navy; to the Committee on Armed Services.

9991. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of Biologics License; Elimination of Establishment License and Product License; Technical Amendment [Docket No. 98N–0144] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9992. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 99F–0127] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9993. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Indirect Food Additives: Polymers [Docket No. 98F–0484] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9994. A letter from the Director, Regulations Policy and Management Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Amendment of Various Device Regulations to Reflect Current American Society for Testing and Materials Citations, Confirmation In Part and Technical Amendment; Correction [Docket No. 99N–4955] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9995. A letter from the Deputy Associate Administration, Environmental Protection Agency, transmitting the Agency's final rule—National Emission Standards for Halogenated Solvent Cleaning received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9996. A letter from the Director Regulations Policy and Management Staff, Federal Drug Administration, transmitting the Agency's final rule—Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph [Docket No. 99N–1819] (RIN: 0910–AA01) received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

9997. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Department's report pursuant to title VIII of Publc Law 101–246, the Foreign Relations Authorization Act, as amended; to the Committee on International Relations.

9998. A letter from the Chair and Ranking Member, OSCE Congressional Delegation, transmitting a report on the Bucharest Declaration of the Organization for Security and Cooperation in Europe Parliamentary Assembly; to the Committee on International Relations.

9999. A letter from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf Alaska [Docket No. 000211039–0039–01; I.D. 082900A] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10000. A letter from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting the Department's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Other Red Rockfish in the Bering Sea Subarea of the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 082800B] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10001. A letter from the Acting Assistant Secretary, U.S. Fish and Wildlife Service, Department of Interior, transmitting the Department's final rule—Migratory Bird Hunting; Migratory Bird Hunting Regulations on Certain Federal Indian Reservations and Ceded Lands for the 2000–01 Early Season (RIN 1018–AG08) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10002. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Species in the Rock sole / Flathead sole / ''Other flatfish'' Fishery Category by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 000211040–0040–01; I.D. 082500A] received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10003. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 000211039–0039–01; I.D. 082900A] received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10004. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic Atmospheric Administration, National Marine Fisheries Service, transmitting the Administration's final rule—Fisheries of the Northeastern United States; Atlantic MACKerel, Squid, and Butterfish Fisheries; Closure of Fishery for Loligo Squid—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

10005. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 777–200 Series Airplanes [Docket No. 97–NM–260–AD; Amendment 39–11873; AD 2000–16–16] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10006. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC–10–10, -15, -30, -30F, (KC–10A Military), and -40 Series Airplanes; and Model MD–10–10F and MD–10–30F Series Airplanes [Docket No. 2000–NM–50–AD; Amendment 39–11866; AD 2000–16–10] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10007. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. 2000–NM–62–AD; Amendment 39–11867; AD 2000–16–11] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10008. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; British Aerospace HP137 Mkl, Jetstream Series 200, and Jetstream Models 3101 and 3201 Airplanes [Docket No. 98–CE–117–AD; Amendment 39–11870; AD 2000–16–13] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10009. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Wytornia Sprzetu Model PZL–104 Wilga 80 Airplanes [Docket No. 2000–CE–52–AD; Amendment 39–118969; AD 2000–16–51] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10010. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767–200, -300, and -300F Series Airplanes [Docket No. 99–NM–54–AD; Amendment 39–11871; AD 2000–16–14] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10011. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model DHC–7–100, and DHC–8–100, -200, and -300 Series Airplanes [Docket No. 2000–NM–90–AD; Amendment 39–11857; AD 2000–16–03] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10012. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Saab Model SAAB 340B Series Airplanes [Docket No. 2000–NM–225–AD; Amendment 39–11872; AD 2000–16–15] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10013. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Industrie Model A300 B2 and B4 Series Airplanes [Docket No. 97–NM–184–AD; Amendment 39–11862; AD 2000–16–07] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10014. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737–100. -200, and -200C Series Airplanes [Docket No. 2000–NM–183–AD; Amendment 39–11844; AD 2000–15–12] (RIN: 2120–AA64) received August 31, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10015. A letter from the Duputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule—Request for Statement of Qualifications (RFQ) for Administrative, Technical and Scientific Support to the Chesapeake Bay Program; Fiscal Years 2001–2006—received September 1, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

10016. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Property Reporting Requirements—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10017. A letter from the Associate Administrator for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule—Insurance—Partial or Total Immunity from Tort Liability for State Agencies and Charitable Institutions—received September 7, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

10018. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Definition of a Qualified Interest in a Grantor Retained Annuity Trust and a Grantor Retained Unitrust [TD 8899] (RIN: 1545–AW25) received September 5, 2000, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ARCHER: Committee on Ways and Means. H.R. 4986. A bill to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income; with an amendment (Rept. 106–845). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. MCGOVERN (for himself, Mr. PETERSON of Pennsylvania, Mr. HILLIARD, Mr. WATKINS, Mr. JEFFERSON, Mr. ENGLISH, Mr. MCINTOSH, Mrs. THURMAN, Mr. HILLEARY, Mr. WEYGAND, Mr. SANDERS, Mr. COOK, Mr. RAHALL, Mr. TIERNEY, Mr. MOAKLEY, Mr. WAMP, Mr. POMEROY, Mr. CONYERS, Mr. GOODE, Mr. DICKEY, Mr. DOYLE, Mr. FRANK of Massachusetts, Mr. NEY, Ms. MILLENDER-MCDONALD, Mr. ROMERO-BARCELO, Mr. FROST, Mr. KIND, Mr. BALDACCI, Mr. OLVER, Mr. MURTHA, Mr. GOODLING, and Mr. ALLEN):

H.R. 5163. A bill to amend title XVIII of the Social Security Act with respect to payments made under the prospective payment system for home health services furnished under the Medicare Program; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UPTON (for himself, Mr. TAUZIN, Mr. MARKEY, Mrs. WILSON, Mr. BOUCHER, Mr. WHITFIELD, Mr. GREEN of Texas, Mr. ROGAN, Mr. WAXMAN, Mr. BILBRAY, Mr. FOSSELLA, Mr. GORDON, Ms. DEGETTE, Mr. LUTHER, Ms. ESHOO, and Ms. MCCARTHY of Missouri):

H.R. 5164. A bill to amend title 49, United States Code, to require reports concerning defects in motor vehicles or tires or other motor vehicle equipment in foreign countries, and for other purposes; to the Committee on Commerce.

By Mr. BLUMENAUER (for himself, Mrs. CHRISTENSEN, Ms. DELAURO, Mr. FARR of California, Mr. KUCINICH, Mr. MCGOVERN, Mr. PALLONE, Mrs. JONES of Ohio, Mr. WEYGAND, and Mr. HOEFFEL):

H.R. 5165. A bill to assist States with land use planning in order to promote improved quality of life, regionalism, sustainable economic development, and environmental stewardship, and for other purposes; to the Committee on Resources, and in addition to the Committees on Banking and Financial Services, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SCHAKOWSKY (for herself, Mr. RUSH, Mr. BLAGOJEVICH, Mrs. MCCARTHY of New York, Mr. WAXMAN, and Mr. FROST):

H.R. 5166. A bill to amend titles XVIII and XIX of the Social Security Act to impose requirements with respect to staffing in nursing facilities receiving Medicare or Medicaid funding; referred to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CAPPS:

H.R. 5167. A bill to amend title 38, United States Code, to protect ratings of service-connection for certain presumptive disabilities of Persian Gulf War veterans participating in Department of Veterans Affairs health study; to the Committee on Veterans' Affairs.

By Mr. FROST:

H.R. 5168. A bill to amend the Public Health Service Act with respect to the compensation rules under the National Vaccine Injury Compensation Program for vaccines administered before the effective date of such program; to the Committee on Commerce.

By Mr. LAHOOD (for himself and Mr. GOODLATTE):

H.R. 5169. A bill to reenact the United States Warehouse Act to require the licensing and inspection of warehouses and other structures used to store agricultural products, to provide for the issuance of receipts, including electronic receipts, for agricultural products stored or handled in licensed warehouses, and for other purposes; to the Committee on Agriculture.

By Ms. MILLENDER-MCDONALD:

H.R. 5170. A bill to amend the Internal Revenue Code of 1986 to reduce the marriage penalty by providing for adjustments to the standard deduction and the earned income credit and to repeal the reduction of the refundable tax credits; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 5171. A bill to amend the Internal Revenue Code of 1986 to permit a husband and wife to file a combined return to which separate tax rates apply; to the Committee on Ways and Means.

By Mr. SHAW (for himself and Mr. KLECZKA):

H.R. 5172. A bill to amend title XVIII of the Social Security Act to ensure access to digital mammography through adequate payment under the Medicare system; referred to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORBES (for himself, Ms. ROS-LEHTINEN, Mr. DEUTSCH, Mr. LANTOS, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. SANDERS, Mr. BONIOR, Mr. FRANK of Massachusetts, Mr. MCGOVERN, Mr. FROST, and Mr. MCNULTY):

H. Con. Res. 398. A concurrent resolution expressing the sense of the Congress that a postage stamp should be issued to honor the Jewish War Veterans of the United States of America; to the Committee on Government Reform.

By Mr. GOODLING (for himself, Mr. MCKEON, Mr. CASTLE, Mrs. ROUKEMA, Mr. BALLENGER, Mr. GREENWOOD, Mr. MCINTOSH, Mr. NORWOOD, Mr. ISAKSON, Mr. GEORGE MILLER of California, Mr. KILDEE, Mrs. MINK of Hawaii, Mr. SCOTT, Ms. PRYCE of Ohio, Mrs. WILSON, Mr. BASS, Mr. BALDACCI, Mr. FRELINGHUYSEN, Ms. BALDWIN, Mr. BEREUTER, Mrs. BIGGERT, Mr. BILBRAY, Mr. BILIRAKIS, Mr. BROWN of Ohio, Mr. BURR of North Carolina, Mr. ENGLISH, Ms. ESHOO, Mr. EWING, Mr. FARR of California, Mr. FILNER, Mr. FOSSELLA, Mr. FRANKS of New Jersey, Mr. GIBBONS, Mr. GUTKNECHT, Mr. HILL of Montana, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KNOLLENBERG, Mr. LATOURETTE, Mr. LOBIONDO, Mr. MILLER of Florida, Mr. GARY MILLER of California, Mrs. MORELLA, Mr. NUSSLE, Mr. PETERSON of Pennsylvania, Mr. RAMSTAD, Mr. REYNOLDS, Ms. RIVERS, Mr. ROGAN,

Ms. ROS-LEHTINEN, Mr. SERRANO, Mr. SESSIONS, Mr. SISISKY, Mr. SHERWOOD, Mr. SKEEN, Mr. THUNE, Mr. UDALL of New Mexico, Mr. WALSH, and Mr. WELDON of Pennsylvania):

H. Con. Res. 399. A concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Education and the Workforce.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 207: Mr. NORWOOD.

H.R. 284: Mr. KUCINICH, Mr. FALEOMAVAEGA, Mr. MASCARA, Ms. KAPTUR, Mr. REYES, and Mr. SKELTON.

H.R. 303: Mr. HILL of Montana.

H.R. 534: Mrs. ROUKEMA, Mr. PAYNE, Mr. RYUN of Kansas, Mr. HASTINGS of Florida, Mr. PALLONE, Mr. THUNE, Mr. GEPHARDT, Mr. COBLE, Mr. TAYLOR of North Carolina, Mr. GILMAN, Mr. EHRLICH, and Mrs. CHENOWETH-HAGE.

H.R. 566: Mr. BALDACCI.

H.R. 601: Mr. WHITFIELD.

H.R. 700: Mr. MOORE.

H.R. 919: Mr. FATTAH and Mr. NADLER.

H.R. 925: Mr. TIERNEY.

H.R. 1021: Mr. DOYLE.

H.R. 1075: Ms. MCCARTHY of Missouri.

H.R. 1172: Mr. HORN, Mr. HALL of Texas, Mr. ROTHMAN, and Mr. QUINN.

H.R. 1303: Mr. ABERCROMBIE.

H.R. 1322: Mr. GOODLATTE and Ms. BALDWIN.

H.R. 1452: Ms. DELAURO.

H.R. 1469: Mr. MINGE.

H.R. 1622: Mr. BLAGOJEVICH.

H.R. 1684: Ms. LOFGREN.

H.R. 1689: Ms. BROWN of Florida.

H.R. 1914: Mr. RAMSTAD.

H.R. 1946: Mr. CAMPBELL.

H.R. 2273: Mr. BRYANT and Mr. ANDREWS.

H.R. 2597: Mr. PITTS.

H.R. 2624: Mr. TIERNEY.

H.R. 2655: Mrs. CUBIN.

H.R. 2738: Mr. WISE and Mr. MATSUI.

H.R. 2814: Mr. GREEN of Texas.

H.R. 2819: Mr. MOORE.

H.R. 2870: Mr. BACA.

H.R. 3004: Ms. LEE and Mr. FOLEY.

H.R. 3083: Mr. BORSKI.

H.R. 3118: Mr. GREEN of Wisconsin.

H.R. 3143: Ms. MCKINNEY.

H.R. 3192: Mr. WOLF and Ms. BALDWIN.

H.R. 3266: Mr. HINCHEY, Mr. FILNER, Ms. WOOLSEY, and Mr. TIERNEY.

H.R. 3275: Mrs. MINK of Hawaii.

H.R. 3328: Ms. DELAURO.

H.R. 3372: Mr. BALDACCI.

H.R. 3573: Mrs. CUBIN.

H.R. 3580: Mr. PETRI and Mr. YOUNG of Alaska.

H.R. 3712: Ms. DELAURO.

H.R. 3809: Mr. ENGEL.

H.R. 3861: Mr. BALDACCI.

H.R. 3887: Mr. NADLER and Mrs. LOWEY.

H.R. 3891: Mr. NADLER.

H.R. 4004: Mr. RAHALL and Mr. WU.

H.R. 4046: Ms. PELOSI, Mr. BORSKI, and Mr. BERKLEY.

H.R. 4057: Mr. LARGENT, Mr. SHERMAN, and Ms. ESHOO.

H.R. 4113: Mr. LUCAS of Kentucky and Mr. BARTON of Texas.

H.R. 4213: Mr. LINDER and Mr. LEWIS of California.

H.R. 4239: Mr. SMITH of New Jersey, Mr. LATOURETTE, and Mr. COSTELLO.

H.R. 4259: Mr. REYES, Mr. GEJDENSON, Mr. GREEN of Wisconsin, Mr. PETERSON of Pennsylvania, Mr. PACKARD, Mr. OSE, Mr. MILLER of Florida, Mr. MICA, Mr. MARTINEZ, Mr. MCKEON, and Mr. MATSUI.

H.R. 4308: Mr. WAMP and Mr. ANDREWS.

H.R. 4356: Mr. BORSKI.

H.R. 4393: Mr. THOMPSON of California and Ms. BALDWIN.

H.R. 4438: Mr. STUPAK.

H.R. 4483: Mr. BALDACCI and Ms. WOOLSEY.

H.R. 4487: Mr. KUCINICH and Ms. DANNER.

H.R. 4543: Mr. ROYCE, Mr. BARTON of Texas, Mr. MCINNIS, and Mr. SMITH of Texas.

H.R. 4565: Mrs. MORELLA.

H.R. 4567: Mrs. LOWEY.

H.R. 4636: Mr. BLAGOJEVICH.

H.R. 4664: Ms. ROS-LEHTINEN.

H.R. 4670: Mr. DAVIS of Virginia, Mr. TANNER, Mr. CRAMER, Mr. HALL of Texas, Mr. SISISKY, Mr. SANDLIN, Mr. THOMPSON of California, Mr. BOYD, Mr. MOORE, Mr. MCINTYRE, Mr. HOLDEN, Mr. JOHN, Ms. SANCHEZ, Mr. KIND, Mr. MORGAN of Virginia, Mr. LARSON, and Mr. WU.

H.R. 4673: Mr. BURR of North Carolina.

H.R. 4688: Mr. DICKEY, Mr. TERRY, and Mr. EHLERS.

H.R. 4715: Mr. CALVERT.

H.R. 4723: Mr. OXLEY and Mr. SANDLIN.

H.R. 4732: Mr. LUCAS of Kentucky.

H.R. 4740: Mr. KLECZKA.

H.R. 4791: Mr. LOBIONDO.

H.R. 4793: Mr. HILLIARD.

H.R. 4848: Mr. SPRATT, Mr. SCOTT, Mr. WAXMAN, Mr. SANDLIN, Mr. KUCINICH, Mr. HOLT, and Mr. GREEN of Texas.

H.R. 4857: Mr. SANDLIN.

H.R. 4935: Mr. GREEN of Texas.

H.R. 4971: Ms. DANNER, Ms. DUNN, and Mr. PHELPS.

H.R. 4976: Mr. HEFLEY, Mr. HINCHEY, Mr. SANDLIN, Mr. GARY MILLER of California, Mr. FROST, Mrs. MORELLA, Mrs. TAUSCHER, Mr. HOEFFEL, and Mr. BLAGOJEVICH.

H.R. 4977: Mr. HINCHEY and Mr. ABERCROMBIE.

H.R. 5005: Mrs. JOHNSON of Connecticut.

H.R. 5018: Mr. BLUNT and Mr. BACHUS.

H.R. 5042: Mr. LATOURETTE.

H.R. 5073: Mr. SCOTT and Mr. KILDEE.

H.R. 5095: Mr. GEORGE MILLER of California and Mr. UDALL of Colorado.

H.R. 5101: Ms. PELOSI, Mr. RANGEL, Mr. JACKSON of Illinois, Mr. GUTIERREZ, Mr. CONYERS, Mr. PASCRELL, and Mr. BRADY of Pennsylvania.

H.R. 5109: Mr. SMITH of New Jersey, Ms. BALDWIN, Mr. REYES, Mr. OBERSTAR, Mr. HILL of Montana, Ms. BROWN of Florida, Mr. WAMP, Mr. JONES of North Carolina, Mr. GREEN of Texas, Mr. HAYWORTH, Mr. LAHOOD, Mr. SAWYER, Mr. GEKAS, Mr. LEWIS of Kentucky, Mr. HALL of Texas, and Mr. DEAL of Georgia.

H.R. 5116: Mr. LAFALCE, Ms. SLAUGHTER, Ms. MILLENDER-MCDONALD, Mr. MCNULTY, Ms. DELAURO, Mr. BALDACCI, Ms. CARSON, Mr. FRANK of Massachusetts, Mr. RANGEL, and Mr. WISE.

H.R. 5132: Mrs. MINK of Hawaii, Mr. WELLER, and Mr. GREEN of Texas.

H.R. 5152: Mr. ENGLISH.

H. Con. Res. 252: Mr. RUSH.

H. Con. Res. 273: Mr. NADLER.

H. Con. Res. 36: Ms. KILPATRICK.

H. Con. Res. 370: Mr. ROYCE and Ms. PELOSI.

H. Con. Res. 384: Mr. STENHOLM and Mr. BURR of North Carolina.

H. Con. Res. 390: Mr. KING, Mr. UPTON, Mr. GARY MILLER of California, Mr. FOSSELLA, Mr. HILL of Montana, Mr. ORTIZ, and Mr. CAPUANO.

H. Con. Res. 397: Mr. LANTOS and Mr. ROHRABACHER.

H. Res. 347: Mr. GALLEGLY.

H. Res. 414: Ms. CARSON.

PETITIONS, ETC.

Under clause 3 of rule XII,

112. The SPEAKER presented a petition of the Legislature of Rockland County, New York, relative to Resolution No. 490 petitioning the United States Congress to request the United States Immigration and Naturalization Service to reverse its decision and order to deport Suringder Singh; which was referred to the Committee on the Judiciary.

United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 106th CONGRESS, SECOND SESSION

Vol. 146 WASHINGTON, WEDNESDAY, SEPTEMBER 13, 2000 No. 107

Senate

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

PRAYER

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

Almighty God, we claim Your promise through Jeremiah, ''Call on me and I will show you great and mighty things which you do not know.''—Jeremiah 33:3. We press on with confidence to the challenges ahead today. Irrespective of perplexities, You are with us. The bigger the problems, the more of Your power we will receive. The more complex the issues, the more wisdom You will offer. Equal to the strain will be the strength that You grant us.

So, we humble ourselves and confess our need for Your divine inspiration. Our experience, education, and expertise are insufficient to grasp the full potential of Your vision for America and the world. We need Your x-ray discernment into potential blessings wrapped up in what we often call problems. Endow us with wisdom to see clearly the solutions we could not discover without Your help. Give us courage to seek and follow Your guidance. Set our hearts on fire with greater patriotism for our country and a deeper dedication to be courageous problem-solvers for Your glory and for Your grace. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable RICK SANTORUM, a Senator from the State of Pennsylvania, 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 Senator from Pennsylvania.

SCHEDULE

Mr. SANTORUM. Mr. President, today the Senate will be in a period of morning business until 10 a.m. Following morning business, there will be 60 minutes for closing remarks on two amendments: the Byrd amendment regarding safeguards and division 6 of the Smith amendment regarding organ harvesting.

After all time is used or yielded back, there will be two back-to-back votes at 11 a.m. Senators should be aware that there are amendments currently pending to the PNTR bill and further amendments are expected to be offered during today's session. Therefore, votes are expected throughout the day.

I thank my colleagues for their attention.

Mr. REID. Mr. President, at this time I ask the Chair to call regular order.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m., with time equally divided between the Senator from Wyoming, Mr. THOMAS, and the Senator from Illinois, Mr. DURBIN.

UNANIMOUS-CONSENT REQUEST—S. 2497

Mr. SANTORUM. Mr. President, on behalf of the majority leader, I have been asked to make a unanimous-consent request.

I ask unanimous consent that immediately following the passage of H.R. 4444, the Commerce Committee be discharged from further consideration of S. 2497 and the Senate proceed to its immediate consideration under the following terms: Two hours on the bill to be equally divided in the usual form; that there be up to one relevant amendment in order for each leader, that they be offered in the first degree, limited to 30 minutes equally divided and not subject to any second-degree amendments; and that no motions to commit or recommit be in order.

I further ask unanimous consent that following conclusion or use of debate time in the disposition of the above described amendments, the bill be advanced to third reading and a vote occur on final passage of the bill, as amended, if amended, all without any intervening action or debate.

The bill has to do with the entertainment industry and the entertainment industry marketing their videos and CDs to those people—children—who are proscribed, really, from buying them or attending those kinds of movies. These are R-rated movies. Children under 17 are not permitted in these without an adult. Yet we have a report just issued, I think earlier this week, that says the movie industry targets the very people who are not supposed to be viewing these kinds of materials or listening to these kinds of materials.

So this is a unanimous-consent request to move this out of the Commerce Committee and to deal with this issue on the floor promptly. This is an important issue that has been a bipartisan issue in the past. I hope my unanimous-consent request will be approved by the Democrats.

The PRESIDENT pro tempore. Is there objection?

Mr. REID. Reserving the right to object.

The PRESIDENT pro tempore. The Senator from Nevada.

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

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Mr. REID. Mr. President, we, also, in the minority, are very interested in this subject. We think the Vice President and nominee has, along with others, set a good tone as to how we should look at what is going on with media. However, as we speak, at this very minute there are hearings on this subject going on in the Commerce Committee. The ranking member, Senator HOLLINGS, has not had an opportunity to review this unanimous-consent request. We believe if there is going to be legislation brought before the Senate, it should be in the regular order; that is, there should be an opportunity to amend the legislation if in fact that is necessary. We know there are a number of Senators who wish to offer amendments.

This unanimous-consent request that we have allows one amendment, and on that one amendment Senators can speak for 30 minutes. So when we have so much to do in this body—we have 11 appropriations bills we have not completed. I am going to discuss, in a little bit, some more things on education. We have a Patient's Bill of Rights we need to do, a prescription bill we need to do, minimum wage—I think it is awfully late in the game, when we have 15 days in the session left, to start talking about media violence. This is an issue that has been outstanding for many months. We have members of the minority who have spoken out on this time after time.

Based on that, and for other reasons, we object.

The PRESIDENT pro tempore. Objection is heard.

The Senator from Pennsylvania.

Mr. SANTORUM. The reason we are trying to move expeditiously here is the FTC has come out with a record that shows the egregious nature of the conduct of Hollywood with respect to the marketing to young people of material that is inappropriate for them, that they have said they would not so market. It is very similar to the charges we have heard about tobacco companies, that are not supposed to sell to minors, marketing to minors. Here we have the identical situation.

The other side has not been reticent about bringing tobacco legislation to the floor to stop the marketing to minors at the drop of a hat. Yet when it comes to protecting Hollywood, we have a roadblock. We have an opportunity here to reform the system, to do something substantive about an issue that is undercutting the moral fabric of our country, that is poisoning the minds of our children, and we have a roadblock because we have more important issues to discuss. According to the other side, there are other issues more important than these issues. I don't think there are very many issues that are more important than a deliberate attempt to market inappropriate material to young minds. That, to me, is about as high a priority as we can get.

There may be some other things the other side believes are more important than that, but bringing this bill to the floor and having this debated is a very important issue. As the Senator from Nevada mentioned, their own Vice Presidential candidate believes this is a very high profile issue.

Let's deal with it. Let's not talk about it; let's not politic about it; let's not pander about it; let's do something about it. Here we have, again, an opportunity for us to do something substantive, to create reform, to move the agenda forward, and we have a roadblock; we have an objection: It is just not the right time; it is just not the right way; it is just not the exact thing we would like to do.

Let's move forward. Let's start moving on reform. We hear complaints that nothing gets done around here. Every time we start to put something forward to try to move a reform, the answer is no. We are going to continue to try. This is not the last time we are going to try to get unanimous consent on this matter. This is an important matter that we need to bring up and we need to deal with before this session ends.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, we do not apologize for the work we have done on tobacco. We, of course, have led the Nation into focusing on the evils of tobacco and what it has done to hurt not only the youth but the adult communities throughout America. We do not apologize for that. This has been led by the minority, and we are proud of that.

THE SENATE AGENDA

Mr. REID. Mr. President, we also recognize that there are issues that need to be discussed as to what is going on with the media. That is why this legislation is important. The problem is there are other matters dealing with children we have totally ignored this year. For example, we have spent, this year, 6 days of debate on the ESEA.

As I have said, we do not apologize for the work we have done on tobacco. What has happened has been revolutionary as a result of the minority speaking out against the problems of tobacco. We do not apologize for that. Of course, we have called attention to it.

We have also called attention to the fact that we believe our children need more attention. On February 3 of this year, the majority said education will be a ''high priority'' in this Congress.

I regret to say instead of making education a central issue, and even a high priority, we have had only 6 days of debate on education this entire year on the Senate floor. There is not a more important issue that we can talk about on the Senate floor, bar none, than educating our children. Having 6 days of debate on the Elementary and Secondary Education Act in this Congress over a 2-year period does not indicate to me this is a ''high priority.''

We have about 15 days left in this Congress. We still have 11 appropriations bills to do. We have a minimum wage bill to complete. We have the Patients' Bill of Rights bill to complete. We have prescription drug benefits to address. We have issues dealing with gun safety, bankruptcy reform—the list of things we have not done is unending.

I believe to bring up, as was done by the majority today, this issue dealing with media, when right now Senator MCCAIN and others are listening to testimony of Senator JOE LIEBERMAN as to what he believes should be done in this regard. We know this is an artificial effort by the majority to focus on this issue. There is no intention to bring this up for debate. That is why the unanimous consent request given was so restricted that they would allow one amendment for 30 minutes. I think it is obvious this was only an effort to bring up an issue and talk about what they cannot get done.

Remember, the majority controls what goes on here on the floor. It is very obvious to me one thing the majority does not want to go on is a debate about education.

The Elementary and Secondary Education Act is an act that was part of President Johnson's war on poverty. It has been a successful program. Title I, the largest program in the Elementary and Secondary Education Act, was intended to help educational challenges facing high-poverty communities by targeting extra resources to school districts and schools with the highest concentrations of poverty. What it has done for children who could not read is remarkable. We have a lot more to do because Title I, which relates to teaching kids who have fallen behind how to read, has been so underfunded. Where it has been funded, it has done remarkably well.

We want this program to continue. In 1994, the Democratic-led Congress and the Clinton-Gore administration worked together to enact far-reaching reauthorization of Title I. We want to continue this, set high standards, and close the achievement gap. We want to do something about class size reduction. We want to hire more teachers. There are all kinds of studies that show if teachers have fewer children to teach, the kids do better, but we do not need studies to prove that.

Common sense dictates if a teacher has fewer children to teach, she is going to do a better job of teaching those children. That is what this legislation is about: Simple common sense; that is, if you have fewer children to teach, the kids are going to do better. We want to do that. We want to have class size reduction.

It is very clear one of the reasons we have such a high dropout rate is because of the fact children are in classes that are so big and schools that are so big.

I did an open school forum in Las Vegas during the August recess. Las

Vegas is the sixth largest school district in America with 230,000 children. It was interesting. The new superintendent of schools, Carlos Garcia, who came from Fresno, said that if a child is not reading up to standard in the third grade, that kid is a good candidate for being a high school dropout. We need to make sure the children in third grade can read. That is what this is all about. That is why we need to reauthorize the Elementary and Secondary Education Act. That is why we need to have fewer kids for each teacher to teach. That is what we are trying to do. That is why Senator MURRAY has worked so hard on her Class Size Reduction Act.

Unfortunately, our friends on the other side of the aisle reject our class size reduction program by failing to provide a separate dedicated funding stream. What we have done as a result of the intervention of the Clinton-Gore administration is force at year end in the omnibus bill more money for teachers. As a result of that, we have hired almost 30,000 new teachers so far under this program, directly benefiting over 1.5 million children. It has been proven, if you have smaller class sizes, these kids outperform students in larger classes. It helps teachers, and it helps the students. I repeat, our friends on the other side of the aisle reject this.

I want to talk about something very important to me, and that is high school dropouts. I mentioned briefly that if a kid cannot read in third grade, he or she is a good candidate to be a high school dropout.

Three thousand children drop out of school every day, 500,000 a year. We would be so much better off if we could do something to keep 500 of those children in school every day, or 200 of those children. We would only have 2,800 dropping out of school every day.

We have worked on this. Senator BINGAMAN and I have a dropout prevention bill which supports local school development and programs for the prevention of dropouts. We successfully included $10 million in funding for dropout prevention in the Labor-HHS appropriations bill. We hope that stays in conference. The conference has not been held, of course, as has conferences for most appropriations bills not been held. I hope money will stay in there. It is a few dollars. We need a lot more money. If we are going to have an attack on keeping kids in school, if we are going to have lower dropouts, we need to have in the Department of Education a dropout czar, somebody in charge of making sure there are programs throughout America to keep kids in school.

We need to focus on education. We are not going to in this Congress. That is gone. We need to work on school modernization, support for disadvantaged children, afterschool opportunities. It is clear—and Senator BOXER has worked very hard on afterschool programs—that if we can keep kids occupied after school, they are simply not going to get involved in things they should not do. This has been proven and shown to be accurate. We need more money in afterschool programs. Senator BINGAMAN has worked hard on school accountability. We support funding accountability provisions for failing schools; for example, putting a qualified teacher in every classroom within 4 years of this legislation.

The record should be replete with the fact that this year this Congress has spent 6 days of debate on the Elementary and Secondary Education Act. That is pathetic. We are concerned about children. We should be able to debate the issue. We offered that this bill be handled in the regular course of business. Request after request has been rejected. That is too bad.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Oregon is recognized for 9 minutes.

Mr. SMITH of Oregon. Mr. President, I was not intending to speak on education, but I want to respond to my friend from Nevada. I am a junior Member of this body, but the perception of what has gone on here with respect to education is utterly different than my observation.

My observation is that this side of the aisle is anxious to talk about education, not just to throw more resources at the status quo, not to put up roadblocks to real reform but to truly find out ways to make Washington less of a burden upon local education.

I have yet to go into a school district in Oregon and ask, ''Where are your problems?'' and they don't tell me it usually has to do with some Federal mandate. The truth is, what we are trying to do is empower local folks who understand about educating children and to lower the burden of Washington.

This idea of 100,000 teachers is great, but everyone should understand that is about sloganeering; that is about TV ads. That has nothing to do with educating kids. The truth is, we need an awful lot more than 100,000 teachers; We need 1 million teachers; but we ought to trust people locally to be able to make that judgment whether to build a school or to hire a teacher. We should not tie their hands. That is what has gone on, and the record should reflect that as well. This Republican is prepared to vote for a lot more resources, but he thinks we owe it to the parents of this country to give them reform as well.

Mr. President, I came here in morning business to try to interject myself into the debate on PNTR.

Mr. REID. Would my friend yield for a simple question?

Mr. SMITH of Oregon. I yield to my friend from Nevada.

Mr. REID. I have the greatest respect for the Senator from Oregon, but I would just a question. I think what the Senator says is right. I think we need reform. But doesn't he think we should have the ability to debate it on the Senate floor? How are we going to get it otherwise?

Mr. SMITH of Oregon. I say to the Senator, I do think we should debate it longer than we have. I grant you that. What I have observed, as a junior Member, however, is that every time we go to focus on amendments, we can't get time agreements. We can't get agreements on some reasonable amount of time. Look, I have already taken all the gun votes. I will take them. I am for background checks. I am for things that will protect kids in the classroom. But I do not know why I should be asked to vote on them two and three and four times.

How many times do you need a vote to run a political ad against me? The truth is, I have taken the votes. Let's get on to debating education. We have done the gun debate.

Mr. REID. I just briefly say to my friend, we have stated publicly on the Elementary and Secondary Education Act we would have as few as eight amendments, with an hour time limit on each one of them, equally divided. And we haven't been able to get that agreement. That seems fair to me.

Mr. SMITH of Oregon. It seems fair to me, I say to the Senator. I will certainly encourage my leadership to accede to that. What I am afraid of is the comment I read in USA Today, where Senator DASCHLE said: We are not interested in getting anything done. We are interested in obstructing this place and creating a train wreck because we think that is good politics. That really concerns me.

I have to tell you, I am always optimistic, but I am discouraged by the windup scene I am seeing develop here. We owe the American people something better than this. I think we need to get on to some reforms. I, for one, am committed to a generous and bipartisan effort in that regard.

CHINA NORMAL TRADE RELATIONS

Mr. SMITH of Oregon. Mr. President, I rise today in strong support of H.R. 4444, a bill establishing permanent normal trade relations with the People's Republic of China.

I strongly believe that permanent normal trade relations will have a substantial and long-term political, economic, and national security benefit for our country. I have long maintained that as China becomes a member of the global community, its government and its people will benefit from these changes and the United States will benefit from better relations and, eventually, I believe, from a more liberal and less oppressive government.

Much of China's recent past has been marked by progression and regression, starts and fits toward economic liberalization that impact all levels of society, only to be matched by periods of oppression, when the government feels

that things are getting out from underneath its thumb. This one-step-forward, two-steps-back pace shows how truly feared the market place is in a Communist country. And I believe that if you are a true Communist, you do fear the marketplace. For it is that marketplace—the private sector—that will eventually prove to be the downfall of the Communist system in any country.

Like many of my colleagues, I am genuinely and deeply concerned about human rights abroad. For that reason, I traveled to China last year to investigate the human rights situation and to determine the state of religious freedom in that country. WTO membership and normal trade relations with China will eventually improve the human rights situation and, I believe, religious freedom in that country. The past few decades' gradual opening of trade, investment, and cultural exchanges with China have led to positive steps in the area of human rights and religious tolerance. That is not to say that all is well. There is much work to be done in the area of human rights, but on balance a ''carrot and a stick'' approach is better than the stick alone.

Globalization is part of ''the carrot.'' It is globalization—the economic integration of their economy—that will introduce the Chinese people to new ideas and information. I believe that as a free market economy, we have a moral and ethical obligation to other nations to help them move toward free markets and into the global economy. Our own history shows the results of not pressing for this integration. During the late 19th century and also following World War I, our negligence in integrating both Japan and Germany had horrible results that reverberated through much of the 20th century. We must not make the same type of mistake with China.

The economic benefits to the United States of H.R. 4444 are great. Our markets to a great degree are already open to Chinese goods; this legislation will open their markets to our goods. This is good for America. And it is good for the people of my home State of Oregon. In the first year following China's membership in the global economy—economists predict trade will double with the United States. China is the sixth-largest market in the world for American agricultural products—and following WTO membership, that trade will account for one-third of the growth in exports over the next 10 years. In addition, according to the World Bank, China will spend an estimated $750 billion in new infrastructure over the next decade.

This is wonderful for the United States, but let me take a moment and tell you what it will do for Oregon. My State is the Nation's largest producer of solid wood products and an important agricultural exporter. China's accession to the WTO and normal trade relations will benefit:

Wheat.—Oregon is a large wheat-growing State and China's grain policies will become more market-oriented. In addition, the 1999 U.S.-China bilateral trade agreement resulted in more exports of Northwest grain.

Vegetables.—Oregon is a major producer of beans, corn, and onions. Under the new agreements, tariffs on vegetables will drop by up to 60 percent.

Fruit.—Oregon grows berries, pears, cherries, and plums. China will reduce tariffs by up to 75 percent for fresh and processed deciduous fruit; and tariffs on apples, pears, and cherries will fall from 30 percent to 10 percent.

Solid wood.—China is the world's third-largest wood importer and after WTO accession, it will substantially reduce its remaining tariffs on valued-added wood products within the next 4 years.

Much has been said on the floor of the Senate in these past few weeks regarding normal trade relations with China. I have to confess that I do not think the arguments against this legislation stand on their own merit. Most of what I have heard in opposition to NTR has reflected the desire to punish China, the need to sanction China or the need to block China.

Those opposing this legislation have formed their arguments around the conclusion that NTR is really just a great plum for China and benefits only China. Nothing could be farther from the truth. As I previously stated our markets are already open to the Chinese—we already buy Chinese goods. This legislation will open up their market and it is a vast pool of consumers, to our goods. It benefits the United States economy. This debate is about advancing American values halfway around the world. Ninety-nine years ago Teddy Roosevelt, speaking at a state fair, said: ''There is a homely adage which runs 'Speak softly and carry a big stick; you will go far,' '' At that time, the big stick meant America's warships and a show of American might abroad. Now the stick means America's economic might and American values. Free and fair trade is the weapon—the economic weapon of the 21st century.

It is free and fair global trade that will strengthen the forces of economic and political reform in China. It is free and fair global trade that will bring greater prosperity to both the United States and the Chinese people. It is free and fair global trade that will bolster human rights and improve religious freedom in that country. America can advance its values and help China integrate into the world economy with the help of this important legislation. I call on my colleagues to send a clean PNTR bill to the President and ask for his swift signature.

AMENDMENT NO. 4132

Mr. President, I rise to oppose the Thompson amendment which would add a sanctions mechanism and annual review regarding Chinese proliferation of nuclear and other weapons. I would like to take a moment and go over the problems with this legislation. While the issue of weapons proliferation is a serious one, most of the elements of the Thompson legislation are already covered by current law. As many of my colleagues have noted, there are already numerous laws regarding nuclear proliferation, some of these laws include:

No. 1, the Export-Import Bank Act; No. 2, the Arms Control and Disarmament Act; No. 3, the Arms Export Control Act; No. 4, the International Emergency Economic Powers Act. This list goes on and on. Further, I have never been a great fan of unilateral actions. Multilateral programs agreements are by far the best and most effective approach.

The problem with unilateral sanctions is that they, at the end of the day, are rarely effective in achieving foreign policy goals. The history of our foreign policy is littered with a trail of ineffectual unilateral sanctions. The really harmful impact of this set of unilateral sanctions will fall on American exporters. Many of these sanctions will, at the end of the day, have the effect of blocking our export sales, by blocking U.S. credits or preventing financing. These actions will not have an effect on the underlying problem—they will only replace all sanctioned American products with foreign products. And we are not talking about military sales in many cases. The scope of this legislation is exceedingly broad and includes civilian transfers that do not actually contribute to proliferation problems.

The Thompson amendment will also tie the hands of future administrations. It will not allow any flexibility for a future President to make a decision based on contemporary issues involving the state of the Sino-American relationship at that time. And finally, as we all know, the politics of the situation dictate a clean PNTR bill. Simply put, this legislation will effectively kill this bill. If we are to pass PNTR during this Congress it is imperative we have a bill that will not require another vote in the House.

Mr. President, as I have shown up on the floor and have listened to the debate on PNTR. I have seen many people, Republican and Democrat, proposing amendments to this bill that have great appeal to me. They have great appeal to me because they advance noble principles. They advance American ideals. They advance the best of what we want to spread around the world. Economic freedom, human rights, improved labor conditions, improved environmental conditions, all of these things I support. But I fear the real motive behind some of these is to scuttle this trade agreement. I oppose that.

I also point out, as many others have, when it comes to these security issues, slavery issues, and whatnot, we already have these laws on the books to protect this country. We should not accede in this environment, in this debate, on a vote this important to scuttle this

trade agreement because to do so would shortchange the American people and certainly the people of my State.

I conclude with this story from my own life. The story is a lesson that has, frankly, governed much of my thinking with respect to trade and military security and foreign relations since I have been an adult.

I was a student at Brigham Young University, taking a class in military history. It was at the end of the Vietnam war. My professor was a retired Air Force general. There was great turmoil on the campuses of the United States. He made a comment that struck me and caught my attention. This professor's name was Phillip Flammer.

He said: We made a mistake to bomb the North Vietnamese with military armaments. That caught my attention—in a conservative place like this university, that a statement such as that would be made.

I thought: That is interesting.

He said: We should have bombed them, but we should have bombed them with Sears catalogs.

I thought: Hmm, there is a lesson I will remember.

His point was, if we want to tear down the walls of communism, we do it with our trade. We do it with our commerce. We do it with our culture. We do it with our communications to the world.

We have seen in Communist country after Communist country that when they are exposed to the miracles of the marketplace, what happens is a middle class develops. When a middle class develops, people begin to demand, with economic liberty, that they have political liberty as well.

So if you are interested in improving human rights, improving the environment, improving access for Americans to their markets, then this vote on PNTR is perhaps the most important vote that we will cast in this Congress, or perhaps any other for the economic future of our country.

If you care about spreading American values, resist these amendments, resist voting no to PNTR because you will do more to spread American values, American democracy, and advance American security by supporting this agreement than you can ever do by trying to amend it, to kill it, or by trying to vote in opposition to it when we come to a final vote.

I do not, for a moment, question the motives of anyone who is against this. Again, I admire the ideals advanced. But I simply question this method, this bill, at this time, to scuttle this most important agreement.

So I urge my colleagues to vote for PNTR and vote against the Thompson amendment—well-motivated but misguided at this time, given the laws we already have.

America needs this. We should not cede the Chinese market to the European nations. We should be there ourselves. They are already here. We have yet to go there.

I urge an ''aye'' vote on the agreement and a ''no'' vote on the Thompson amendment.

Mr. President, I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the time of 10 o'clock has arrived and morning business is closed.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. I request the use of leader time at this time.

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

LEGISLATIVE CONSIDERATIONS

Mr. REID. Mr. President, I want to say, before my friend leaves the floor, how much respect I have for the Senator from Oregon and the great example he sets for everyone in the bipartisan consideration of legislation.

I do want to say, though, before my friend leaves, that one of the pleasures of my service in the Senate is that I have been able to work with Senator DASCHLE. We served in the House together. We have served in the Senate together. He is the leader. I am the assistant leader.

There are very few meetings he attends that I am not there. For example, we had a meeting yesterday with the bipartisan leadership of both Houses. At that meeting with the President of the United States, Senator DASCHLE was very clear in saying he wanted to get things done this year. He gave a list of things he thought we could accomplish.

We are so close to being able to do something on the Patients' Bill of Rights, which the Senator from Oregon has voted, I believe, the right way on many occasions.

Senator DASCHLE in that meeting said that he wanted to get things done. He gave a list of things that should be done. Senator DASCHLE, in private meetings and in public meetings, has said the most important thing we can do is complete legislation that is already before the Senate, including the 11 appropriation bills that have not been completed.

I don't know what appears in U.S. News and World Report or whatever publication my friend from Oregon mentioned. The fact is, Senator DASCHLE has continually said publicly and privately the most important thing that we can do is enact legislation for the American people.

I think the record should be very clear that there is no intent on behalf of the minority to prevent anything from going forward. We want to move legislation. First of all, let's do the appropriations bills, and if we have time left over, do the other items, which I believe we will do, as indicated in a meeting with the President yesterday. Let's do them.

I express my appreciation to the Senator from West Virginia for his patience.

Mr. President, I ask unanimous consent that the time before the scheduled votes be extended for whatever time I have used under leader time.

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

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 4444, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 4444) 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.

Pending:

Wellstone amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection.

Wellstone amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions.

Wellstone amendment No. 4121, to strengthen the rights of workers to associate, organize and strike.

Smith (of New Hampshire) amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting.

Byrd amendment No. 4131, to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products.

Thompson amendment No. 4132, to provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles.

Hollings amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10–K reports.

Hollings amendment No. 4135, to authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit.

Hollings amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit.

Hollings amendment No. 4137, to condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications.

The PRESIDING OFFICER. Under the previous order, there will now be 1 hour for closing remarks on the Byrd amendment No. 4131 and division 6 of the Smith amendment No. 4129, with 15 minutes each under the control of the Senator from Delaware, Mr. ROTH; the Senator from New York, Mr. MOYNIHAN; the Senator from West Virginia, Mr. BYRD; and the Senator from New Hampshire, Mr. SMITH.

AMENDMENT NO. 4131

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I will speak briefly on my amendment. Then I will yield back the remainder of my time. I want to get to a markup of an appropriations bill by the Subcommittee on VA, HUD and Independent Agencies, of which I am a member.

In simple language, my amendment adds surety for American firms and American workers who are caught up in the confusing process of seeking relief from a surge of unfair imports. The process of getting the U.S. Government to agree with a firm's firsthand judgement that a flood of unfairly dumped imports is undercutting a U.S. manufacturer is complex and time consuming. Language in the House-passed bill is an improvement, but it leaves a serious loophole. The House language provides deadlines for the government and the President to agree or disagree that relief is needed, but if the President fails to meet his deadline for a decision, nothing happens. No relief can be forthcoming until the President acts. And the President might be under other pressures, from the State Department, for instance, warning that an affirmative Presidential decision might upset some other, unrelated negotiation. The State Department is not charged with worrying about the fate of individual U.S. firms. The State Department is not charged with worrying about the fate of steel companies, for example.

But for a firm hanging on by its fingernails, unable to pay its bills or secure needed financing, and for workers unsure when their lay-offs might end and their bills get paid, this uncertainty can be catastrophic. So the Byrd amendment says that if the President fails to act by the appointed deadline, the decision of the ITC will be implemented as though the President had agreed. So firms and workers will know on what date certain they will get their answer. The steel companies will know when they will get their answer. Coal miners will know, because they are affected by steel imports as well. That is what my amendment does. And for those affected firms, and those workers, that is pretty important. They need to know, and their bankers and creditors need to know. They need to be able to plan, and no other concerns should come before them, in my opinion. I've seen too many families suffering when the plant shuts down, too many towns hollowing out and falling into disrepair when people just give up. We need to give our citizens, our firms, an efficient and sure process to seek relief and to get relief when it is warranted.

This is our chance. This is our chance to strike a blow for the steel industry, which is a very important industry in the State represented by the current Presiding Officer. It is a very important industry in my State, exceedingly important. Now is the time to strike a blow for freedom, for the freedom of those men and women who work in these industries, freedom to know when relief is coming. They should not have to wait until a President seeks his own convenient moment. They should know the date. And when that date comes, it should happen. Let's make it happen by my amendment.

I yield back my time 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. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

Mr. ROTH. Mr. President, I yield myself such time as I may use.

Mr. President, I rise in opposition to Senator BYRD's amendment regarding safeguards.

I do so even though I share my colleague's concern regarding the President's utter disregard for statutory deadlines in our trade remedy laws. The President's failure to issue timely decisions in recent section 201 cases was simply unacceptable. Also unacceptable is the President's failure to meet the deadline set for modifying the retaliation list in the bananas dispute at the WTO. This pattern of utter disregard for statutory deadlines simply must stop.

With that said, I must still oppose this amendment for both substantive and procedural reasons.

With regard to substance, it is vitally important for the Finance Committee to be given the opportunity to consider this proposal before it is adopted into law. As I noted yesterday, there are serious flaws in this amendment that could make it unworkable in certain circumstances. It would be reckless to adopt such a significant change to our trade laws without adequate review, particularly given the flaws that are already apparent in what my good friend has proposed.

I am also concerned that we are isolating the Chinese for differential treatment through this proposal. The agreement may not be inconsistent with the U.S.-China bilateral agreement, but it does create a procedure that differs sharply from our other trade remedy programs.

I must also oppose the amendment because of the potential impact that this amendment will have on the passage of PNTR. In my view, a vote for any amendment, including this one, is a vote to kill PNTR.

Mr. President, such a result would be devastating for our workers and farmers. That is why I urge my colleagues to vote against my good friend's amendment.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. THOMAS. Mr. President I ask unanimous consent to speak in morning business for 10 minutes.

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

CHINA PNTR

Mr. THOMAS. Mr. President, I asked for morning business because I am not sure where we are focused, but I want to continue to talk about PNTR, a topic that I hope we are able to conclude shortly.

Certainly one of the most important issues we have before us is the issue and the way I come to the conclusion. We all talk about the problems that exist. Obviously, there are problems that exist. I serve as chairman of the Subcommittee on East Asian and Pacific Affairs that has dealt over a number of years with the issue of China. I don't think there is a soul here who wouldn't wish things were different there with respect to human rights, some of the issues with respect to proliferation, some of the issues with respect to freedom, and market system changes. I don't think that is the issue. The issue is how we best bring about that change. That is really what it is all about.

Do we do it through threats to the PRC? Do we do it with sanctions? I think people have learned quite a bit in seeking to deal with Cuba with sanctions. It has had very little impact and very little effect. I happened to be in Beijing where we were having the great debate over some of the things that were controversial. They canceled a large order with Boeing. What did they do? They bought Airbuses from France. Sanctions don't work.

I happen to come from a State where we are very interested in agriculture. So we need to do that.

Someone suggested during the course of the discussion over the last couple of days that this bill, if it passed, to grant permanent trade relations would be, in a word, ''rewarding'' China. I don't agree with that. The fact is, we would

be rewarding ourselves with regard to trade. The opening has already been given to China. We are the ones to whom they have agreed, if this happens, to lower tariffs on a number of our things that go there. It really doesn't change the situation much with regard to China. It gives us a better opportunity to do that.

We also argue about how we implement these changes. Are we more likely to bring about changes if we are part of a multilateral group such as the WTO or are we more likely to do it with the unilateral kinds of things for ourselves? I happen to believe we would be better off to have an organizational structure such as the WTO to go through to talk about some of the things we think are not being done properly. Does that mean we don't continue to monitor things such as human rights, that we don't continue to monitor things such as weapons proliferation? Of course not. The question really is, Do we go ahead with this bill as it is and at the same time go ahead and monitor the other things as well?

I am opposed to the Thompson amendment, which is an amendment to the bill to establish normal trade relations.

First of all, as I mentioned, I am chairman of the subcommittee that has jurisdiction over some of these issues. Neither the Foreign Relations Committee nor the Banking Committee has been afforded the opportunity to consider and debate this issue before it was brought to the floor. That is not the customary way to deal with issues that are as far reaching as this one. To bring it to the floor without going through the committees and giving the committees of jurisdiction the opportunity to consider it—the Banking Committee, as you know, which has jurisdiction over a portion of these kinds of arrangements, is very upset about this process.

We, of course, argue that under the time constraints it is most difficult. The House passed a bill to open normal trading relations. By the way, the Senate has done it every year for normal trading relationships. This is really a departure from what has been done. But certainly, if we amend it at this time in this session, we will have a difficult time getting it completed.

My first problem is jurisdictional, of course. It was introduced by Senator THOMPSON. We had plenty of time and could have done it in May. It could have gone through those committees. But it didn't go to either committee. Certainly the kinds of changes that would be made there would apply. We ought to have that kind of process and not limit the process entirely. The House, of course, has passed this bill by a large majority, and we need to move forward with it.

Aside from the jurisdictional concerns, I have a fairly large number of substitute concerns regarding issues of proliferation, and particularly the problem of transfers to Pakistan. I don't believe this amendment will do anything to change the situation. Instead, it would turn us to the discredited, failed strategy of mandatory unilateral sanctions and annual votes on the status of China trade.

We have already talked a great deal, of course, about the passage of an amendment and the impact it would have on the relationship. I want to stress again that trying to work with China on some of those things does not make us oblivious to the things on which we disagree with them. Surely, human rights we are going to continue to champion.

Again, we have to consider how to best have an influence on bringing about change—change that has not occurred as completely as I would like. I can tell you from my experience that there is change. The more visibility the people of China have to the outside world—the fact of market systems, the fact that personal freedoms provide a much better way of life, it is becoming more and more evident. For years, of course, they have not had any opportunity to see what is going on in the world. For example, things have changed substantially in China. Now they see it. It is important to encourage changes that need to take place.

Of course, with respect to another statute that does something about proliferation, we already have numerous statutes available to the President. There is a long list, including the Export-Import Bank Act, the Arms Control Disarmament Act, the Arms Export Control Act, and the International Emergency Economic Powers Act. It goes on and on. They provide the very authority that is being talked about in some of these amendments. They are in place.

Someone said it gives the President the opportunity to decide and be flexible about it. Then the author—in this case, the Senator from Tennessee—assures Members that this also has a waiver and it gives the President the opportunity to change. We have very little reason to have more legislation in this area.

Finally, I vote against this amendment for the same reason I voted against all the amendments that preceded it. I am, along with the distinguished Senator from Delaware, Mr. ROTH, chairman of the Finance Committee, and many others, opposed to adding amendments that will, indeed, have the effect of delaying or killing the PNTR bill. Most any amendments would have that effect. I believe most of the Members of this body also believe that because each of the amendments that have been offered have not survived and have lost by a rather substantial vote. I hope we continue to do that.

It is pretty unrealistic while we are trying to complete the work of this Congress to think we can spend another week going back and forth in conference with the House and get this done.

I know there are justifiable differences of view. That is what this system is all about. We ought to talk about those. It is my view we have talked about them and there ought to be an end game so we can move on. We keep talking about the things we have to do, including 11 appropriations bills out of 13 that have not yet been passed. Several have not even been marked up. We have less than 3 weeks, 14 days, to work on these. We know very well that the President is going to create some obstacles to the completion of our work so he can have more leverage to get the kinds of spending he wants and put the pressure on the majority party in the Congress.

All these things are real and realistic and not unusual. I think we need to understand where we are. I think we need to take a look at the job we do have to do so the American people can continue to be served by those programs that are in the appropriations, that we continue to strengthen education, so we can do something about fairness and tax relief, so that we can move forward in moving some of this money to lower the debt. We ought to continue to work in seeking to get some of the pay back for strengthening Medicare so some of those reductions that have been made can be replaced so we have services in the country. I have particular interest in that as cochairman of the rural caucus for health care. Some of the small hospitals and small clinics need it to happen. We need to move forward and not spend 2 weeks on a repetitious review of the same issues. There comes a time we should move forward.

Therefore, I strongly urge we do move forward and that we do not amend the bill before the Senate. Conclude it and send it to a satisfactory signing at the White House and move forward on the issues facing the Senate.

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. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

TO AUTHORIZE EXTENSION OF NONDISCRIMINATORY TREATMENT TO THE PEOPLE'S REPUBLIC OF CHINA—Continued

AMENDMENT NO. 4129

Mr. SMITH of New Hampshire. Mr. President, very shortly there will be a vote on one of the divisions in my amendment to the PNTR legislation. This is a particular odious practice that occurs now in China called organ harvesting. It is hard to imagine that any nation in the world today would conduct activities as odious as this, but it does happen.

As we know from the debate that has been occurring on the permanent normal trade relations with China, most of the predictions are it is going to pass, perhaps overwhelmingly. I personally oppose the legislation. But if we are going to pass it, I believe we have an obligation to at least call to the attention of the rest of the world, and frankly to our own people here in America, the barbaric practices that are occurring in this country to which we are about to give permanent normal trade status.

Permanent is a pretty strong word. Permanent means permanent. Under the permanent normal trade relations bill, there is a process for monitoring the activities. There is a commission that is set up. My amendment is very simple. It says:

The Commission shall monitor the actions of the government of the People's Republic of China with respect to its practice of harvesting and transplanting organs for profit from prisoners that it executes.

So all my colleagues know, this amendment simply says the commission shall monitor these activities in China as best they can and report to the American people what they find. I believe very strongly it is wrong for us as a nation to look the other way and say it is OK to make money, to trade with China, sell our agricultural products, and ignore these types of human rights violations.

In the debate yesterday I discussed this briefly. We heard a lot about not delaying the bill. The House has sent us over a bill—which, by the way they amended, they added some things to the monitoring—and they sent it back to the Senate. Now many of my colleagues who are supporting PNTR are saying: Let's not delay this. If we agree to these amendments, the Smith amendment or the Thompson amendment or the Wellstone amendment or any other amendment that has been offered, we are going to delay the process. Maybe it is a good idea to call attention to the fact they are harvesting organs obtained unwillingly by executing prisoners, but we don't want to mess up the whole debate here. We do not want to mess up an agreement we have with the House.

We go to conference on hundreds of bills year after year. We are going to go to conference on 13 appropriations bills. It is what you do. That is why we have a House and a Senate. It is what the Founding Fathers wanted us to do. So if it takes a few days or a few hours—most likely a few minutes—to conference an amendment such as the one we are about to vote on, which I am about to speak on in a moment—if it takes a few minutes to have the House agree to it, so what. What is the big deal?

This is very disturbing. Yet my colleagues are saying to other colleagues: Don't vote for the Smith amendment, the Wellstone amendment, the Helms amendment, the Thompson amendment, or any other amendment because it is going to require us to have to conference with the House, and therefore it might slow the bill down.

If we are giving permanent status to China, what is a few more minutes? If we pass it, the House passes it, we amend it here, send it over to the House this morning or this afternoon, by dinnertime the House agrees to it, puts it on the President's desk, he has breakfast tomorrow morning—has a glass of juice, coffee, whatever, a muffin—and then signs the bill. What is lost?

When we do that, we could get some of these amendments. This monitoring language we should have in this bill. To do otherwise, with all due respect to my colleagues, is simply to say: I am going to look the other way while organ harvesting takes place in China. We don't want to rock the boat. We don't want to offend the Chinese. We don't want to make anybody unhappy. We don't want to offend the House because they didn't put it in, so therefore we are not going to conference this. We don't want to rock the boat.

That is wrong. To put it bluntly, that is wrong.

Let me speak briefly about the content of my amendment. Organ harvesting, there was an expose done on this in 1997 by ABC News. This is not BOB SMITH talking. This is one of the three major networks that televised a documentary on the practice of organ harvesting in Communist China. In that documentary, in 1997, it depicted prisoners—these are not necessarily murderers. These are just prisoners. Some of them just put in there, actually charged with nothing—so-called crimes against the state. But it showed prisoners who were videotaped, lined up against a wall and executed with a bullet directly to the head. This, unlike a lethal injection, preserves the organs for harvesting.

The documentary also claimed the prisoners were executed on a routine basis. This was not an exception. Their organs were sold to people who were willing to pay up to $30,000 for a kidney, for example.

Human rights organizations have estimated that at that time, the time the documentary aired, more than 10,000 kidneys alone—just kidneys, not to mention any other organs—10,000 kidneys alone from Chinese prisoners had been sold, potentially bringing in tens of millions of dollars to—guess where the money goes—the Chinese military. Does this sound like Huxley's ''Brave New World'' or what—executing prisoners to get their organs to get the money to the Chinese military.

The Chinese Government, as it does with most human rights abuses, denies this practice takes place. But it is important to keep in mind that China does not have a rule of law.

Prisoners are subject to arbitrary arrest and arbitrary punishment without due process. People of religious faith, environmental activists, human rights activists, opponents of coercive abortion, student demonstrators, and anyone who appears to be questioning or challenging the Government of China is subject to harassment, intimidation, arrest, incarceration, including in the infamous laogai, or slave labor camps, and, in certain cases, execution.

When Tiananmen Square occurred in 1989, peaceful student protesters, including the sons and daughters of the Communist Party's elite, were mowed down, run over by PLA tanks. There are far fewer dissidents in China than there were 11 years ago after that experience.

Even the Falun Gong, which practices breathing and meditation exercises, has been subject to brutal repression by Chinese authorities, and many of these worshipers have disappeared in the Chinese gulags, and some have died in police custody—great candidates for organ harvesting.

ABC's report also found that Chinese nationals living on student visas were marketing these organs to Americans and other foreigners who had the funds to make a $5,000 deposit and who then traveled to China to the People's Liberation Army hospital where they received a kidney transplant.

These kidneys are tissue typed and the prisoners are also tissue typed in order to achieve an ideal match. Think about that. Prisoners are executed, some of them for doing nothing more than protesting against the Government of China. They are sent to prison and executed so that people can pay up to $30,000 for one of their kidneys or some other organ, and the money goes to the Chinese military.

I ask my colleagues, with all due respect—and I respect the rights of Members to exercise their own views and votes; of course, it goes without saying, but I ask you: Is it unreasonable to ask my colleagues to put this in the monitoring provisions of PNTR so that we can monitor these activities and report to the world what is happening? Is that so bad? If it delays this bill a few hours, if we have to conference it with the House—it is permanent—is that so bad?

We might save a few lives. The more the world knows about this, and the more world public pressure comes to the Chinese, we might save some lives. For the sake of a little time before we pass this bill that has been debated now for several days—it has been talked about for a year or two—is it so bad for my colleagues to vote to allow a commission to study and report on this? I ask them, is it really that big a deal for us to try to save people whose basic human right, the right to life, is being denied for the sake of organ donors? To make it worse, in some cases Americans are buying those kidneys, hearts, livers, and other organs.

U.S. law prohibits this activity. It is unlawful in the United States for ''any person to knowingly acquire, receive, or otherwise transfer any human organ for valuable consideration for use in human transplantation if the transfer affects interstate commerce.''

Congresswoman Linda Smith, before she left office, introduced a resolution 3 years ago which deplored this practice and called upon the administration to bar from entry to the United States any Chinese official directly involved in the practice of organ harvesting. It urged the prosecution of individuals engaged in marketing and facilitating these transplants under U.S. law.

There is no one in the House or Senate who would not recognize the name of Harry Wu, the renowned human rights activist and Chinese dissident who was arrested in China, detained, and finally released. Thanks to the work of Laogai Research Foundation, we are aware of ongoing Chinese engagement in organ harvesting of executed prisoners.

It is unreasonable, it is unfair for us to add this provision that will expose this to the world and say, once and for all, that it is wrong and that we are not going to allow ourselves to be dragged into saying that, for the sake of profit, for the sake of selling wheat, corn, rice, and other agricultural products, for the sake of greed and profit, we are going to ignore this? How can we do that in good conscience?

The sad part, frankly—the American people may not understand this—about what is happening in the Senate is that people are saying: Don't vote for the Smith amendment because that is going to slow the process down; don't vote for it.

It is not going to slow the process down enough to matter, and this is important. It is a commission. It is a study. That is all it is, and that is all we are asking.

Mr. President, I ask unanimous consent to print an article on incidents regarding organ harvesting in the RECORD.

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

[From the International Herald Tribune, June 15, 2000]

AN EXECUTION FOR A KIDNEY—CHINA SUPPLIES CONVICTS' ORGANS TO MALAYSIANS

(By Thomas Fuller)

MALACCA, MALAYSIA.—The night before their execution, 18 convicts were shown on a Chinese television program, their crimes announced to the public. Wilson Yeo saw the broadcast from his hospital bed in China and knew that one of the men scheduled to die would provide him with the kidney he so badly needed.

Mr. Yeo, 40, a Malaysian who manages the local branch of a lottery company here, says he never learned the name of the prisoner whose kidney is now implanted on his right side. He knows only what the surgeon told him: The executed man was 19 years old and sentenced to die for drug trafficking. ''I knew that I would be getting a young kidney,'' Mr. Yeo says now, one year after his successful transplant. ''That was very important for me.'' Over the past few years at least a dozen residents of this small Malaysian city have traveled to a provincial hospital in Chongqing, China, where they paid for what they could not get in Malaysia: functioning kidneys to prolong their lives. They went to China, a place most of them barely knew, with at least $10,000 in cash. They encountered a medical culture where kidneys were given to those with money and a doctor could stop treatment if a patient didn't pay up. Surgeons advised them to wait until a major holiday, when authorities traditionally execute the most prisoners.

China's preferred method of capital punishment, a bullet to the back of the head, is conducive to transplants because it does not contaminate the prisoners' organs with poisonous chemicals, as lethal injections do, or directly affect the circulatory system, as would a bullet through the heart.

More than 1,000 Malaysians have had kidney transplants in China, according to an estimate by Dr. S.Y. Tan, one of Malaysia's leading kidney specialists. Many patients go after giving up hope of finding an organ donor in Malaysia, where the average waiting period for a transplant is 16 years. Interviews with patients who underwent the operation in China reveal how the market for Chinese kidneys have blossomed here—to the point where patients from Malacca negotiated a special price with Chinese doctors.

In 1998, two doctors from the Third Affiliated Hospital, a military-run complex in Chongqing, came to Malacca and spoke at the local chapter of the Lions Club about their procedures. Kidney patients worked out a deal with the doctors: Residents of Malacca would be charged $10,000 for the procedure instead of the $12,000 paid by other foreigners. It goes without saying that the kidney transplants these doctors perform are highly controversial. The Transplantation Society, a leading international medical forum based in Montreal, has banned the use of organs from convicted criminals. Human rights groups call the practice barbaric. But patients here who have undergone the operation in China say they were too desperate at the time to consider the ethical consequences. Today they are simply happy to be alive. The trip to Chongqing offered them an escape from the dialysis machines, blood transfusions, dizziness and frequent bouts of vomiting. And why, they ask, should healthy organs be put to waste if they can save lives?

''Ethics are only a game for those people who are not sick,'' says Tan Dau Chin, a paramedic who has spent his career working with dialysis patients in Malacca. ''Let me put it this way: What if this happened to you?'' Simon Leong, 35, a Malaccan who underwent a successful operation two years ago in Chongqing, says the principle of buying an organ is ''wrong.'' ''But I was thinking, I have two sons. Who's going to provide for them?'' Corrine Yong, 54, who returned from Chongqing two months ago after a successful operation, was told that if she did not receive a transplant she would probably not live much longer. ''I didn't have a choice,'' she says of her decision to go to China. For kidney patients in Malaysia the chances of obtaining a transplant from a local donor are slim. Despite an extremely high death rate on Malaysian roads—in a country of 22 million people, an average of 16 people are killed every day in traffic accidents—the organ donation system is woefully undeveloped.

Kidneys were transplanted from just eight donors last year. Thousands of people are on the official waiting list. Dr. Tan, the Malaysian kidney specialist, says the small number of donors in Malaysia is partly due to religious and cultural taboos. Malaysian Muslim families in particular are reluctant to allow organs to be removed before burial, although this is not the case in some other Muslim countries, such as Saudi Arabia, which has a relatively high number of donors.

Organ donation has always been an uncomfortable issue. The terminology is euphemistic and macabre: Doctors speak of ''harvesting'' organs from patients who are brain-dead, but whose hearts are still beating. And when the issue of executed prisoners come into play, transplants become politically explosive. ''It is well known that the death penalty is often meted out in China for things that most people in Western countries would not regard as capital crimes,'' said Roy Calne, a professor of surgery at both Cambridge University and the National University of Singapore. Using organs from executed prisoners is not only ethically wrong, he says, but discourages potential donors to step forward in China: ''If the perception of the public in China is that there's no shortage of organs you're not likely to get any enthusiasm for a donation program.''

It is impossible to know exactly how many Asians travel to China for organ transplants. But data informally collected from doctors in at least three countries suggest the numbers are in the hundreds every year. Also impossible to confirm is whether all patients in China receive organs from executed prisoners and not other donors. But patients interviewed for this article say doctors in China make no secret of where the organ comes from. The day before convicts are executed—usually in batches—a group of patients in the hospital are told to expect the operation the next day.

Melvin Teh, 40, a Malacca businessman who received a kidney transplant from a hospital in Guangzhou two years ago, says doctors did not offer the names of the prisoners. ''They just tell you it was a convict,'' he said. ''They don't tell you what he did.''

Mrs. Young says doctors told her that the donors were all ''young men'' who had committed ''serious, violent'' crimes. Chinese officials have admitted that organs are occasionally taken from convicts, but deny that the practice is widespread. ''It is rare in China to use the bodies of executed convicts or organs from an executed convict,'' an official from the Health Ministry was quoted as saying in the China Daily in 1998. ''If it is done, it is put under stringent state control and must go through standard procedures.'' That view does not jibe with the stories that patients from Malacca tell, where kidneys are essentially handed out to the highest bidders, often foreigners.

Mr. Leong, the Chongquing patient, and his wife, Karen Soh, who accompanied him to China, say money was paramount for the surgeons involved in the operation. They recounted how another malaysian kidney transplant patient who suffered complications while in Chongqing had run out of cash. ''They stopped the medication for one day, ''Mrs. Soh said, referring to the anti-rejection drugs. The patient was already very sick and eventually died of infection upon her return to Malaysia, according to Mrs. Soh. Patients say they are advised by friends who have already undergone a transplant to bring the surgeons gifts. Mrs. Young brought a pewter teapot and picture frame. Mrs. Soh and her husband brought a bottle of Martell cognac, a carton of 555 brand cigarettes and a bottle of perfume for the chief surgeon's wife. ''They call it 'starting off on the right foot,' '' Mrs. Soh said.

After the operation was complete, the couple gave two of the doctors ''red packets'' filled with cash: 3,000 yuan ($360) for the chief surgeon, and 2,000 yuan for his assistant. Other patients also ''tipped,'' although the amounts varied. It might be tempting to see the market for Chinese organs as part of the more general links that overseas Chinese have with the mainland. Many of the patients are indeed, ethnically Chinese and come from countries—Malaysia, Taiwan, Thailand—with either links to the mainland or large ethnic Chinese populations. Yet if the experience of Malaysian patients is any

indication, the tip to China provides a severe culture shock. Patients recalled unsanitary conditions, and for those who did not speak Mandarin the experience was harrowing.

Mr. Leong, who speaks little Mandarin, was helped by his wife who wrote out a list of phrases for her husband to memorize. The list included: ''I'm feeling pain!'' ''I'm thirsty.'' ''Can you turn me over?'' Mr. Leong would simply say the number that corresponded to his complaint and the nurse would check the list. But more difficult than communicating is paying for the transplant. For the Leongs it involved pooling savings from family members and appealing for funds through Chinese-language newspapers. The cost of an operation amounts to several years' salary for many Malaysians. Yet despite financial problems and culture shock, all four patients interviewed for this article said they had no regrets.

Mr. Yeo enjoys a life of relative normalcy, maintaining a regular work schedule and jogging almost every day. He says he was so weak before his transplant that he had trouble crossing the street and climbing stairs. Four-hour sessions three times a week on dialysis machines were ''living hell.'' Does it disturb him that an executed man's kidney is in his abdomen? ''I pray for the guy and say, 'Hopefully your after life is better,'" Mr. Yeo said, And has he ever wondered whether the prisoner might have been innocent? Mr. Yeo pauses and stares straight ahead. ''I haven't gone through that part—the moral part,'' he said. ''I don't know. I can't question it too much. I have to live.''

WANG CHENGYONG: BROKERING CHINESE ORGANS FOR AMERICAN PATIENTS

In February of 1998, an acquaintance informed Harry Wu of a man named Wang Chengyong who was attempting to arrange kidney transplants for U.S. patients in the People's Republic of China. Wu videotaped conversations with Wang, a former prosecutor from Hainan Province in China, who was attempting to sell kidneys from executed prisoners in China to potential recipients in the U.S. Wu turned over the video material to the FBI, who conducted their own sting operation and arrested Wang.

Mr. Wu participated in several taped conversations with Wang Chengyong discussing the possibility of organ procurement involving executed Chinese prisoners. In these conversations, Harry Wu posed as a doctor from Aruba whose patients were waiting for kidney transplants. Their conversations revealed the entire process by which organs of executed prisoners from China's Laogai are harvested and used in transplant operations. [All quotes and information in reference to conversations of Harry Wu and Wang Chengyong can be found in the transcripts from case files of The United States of America vs. Cheng Yong Wang, United States District Court, Southern District of New York, government exhibit 1T.] This evidence confirms the testimonies and reports from many human rights organizations that have reported on this practice in years past.

A PROSECUTOR'S VIEW OF THE ORGANS TRADE

In conversations negotiating potential organ deals, Mr. Wang revealed many details regarding his own role as a prosecutor within the process of conviction and execution of Chinese prisoners, and how officials at all levels within this process collaborate to harvest the organs of the prisoners they execute. He stated that it could be arranged for a doctor to come into the detention center to perform blood tests on prisoners prior to their execution, matching their blood with potential donors and ensuring that they were in good health. These would be the same doctors who would administer a shot of anti-coagulants directly before a prisoner was shot to ease the process of organ retrieval.

Mr. Wang informed Mr. Wu that he should prepare his patients for travel to China around the time of a national holiday. ''Executing criminals during the holidays can frighten criminals and maintain social safety,'' Wang explained. ''Back in China, there will definitely be executions before May 1st (Chinese National Labor Day), there is no question about that. I have done that for a long time . . . In China, every year their death-row prisoners total like over 40% of the whole world's. Execution by shooting happens a lot. Every year, right before the four festivities take place, a group of people will surely get killed, one hundred percent. It has been going on like this for decades.'' When patients arrive in China, there would be no problem to arrange a spot in a hospital where the operation would be performed. The Public Security Bureau informs the hospital of execution dates, allowing doctors to predict the time of an operation. Such prediction is completely unheard of in other hospitals where organs come from donors who must first sign their consent for donation and then die of natural causes before their organs can be removed.

Organs are harvested at the sight of execution. Mr. Wang referred directly to Chinese regulations that forbid vehicles that are market as ambulances from entering execution grounds. [On October 9, 1984, a joint regulation was signed entitled The Provisional Regulations of the Supreme People's Court, the Supreme People's Procuratorate, Ministry of Public Security, Ministry of Justice, Ministry of Public Health, and Ministry of Civil Affairs on the Use of Dead Bodies or Organs from Condemned Criminals. The document stipulates that ''Vehicles from medical institutions may be allowed to enter into the execution ground to remove organs, but vehicles displaying the logo of medical institutions are not be be used.''] Instead, the marked vehicles wait directly outside the execution area and within minutes after the shot is fired, they are permitted inside to retrieve organs from the executed prisoners. Mr. Wang describes the process as follows: ''Regarding the coordination by the hospital, that is, we must tell them about the situation ahead of time. . . . When the time comes, the hospital's vehicle will follow the execution vehicle, from behind. However, the hospital vehicle can't enter within the warning security line, they can only park outside of the line. But once the gun shot is heard . . . the medical vehicle will come in, arriving on the site. And if there's anything that can be done on the scene, do that or just bring it back to the hospital.'' Mr. Wang affirmed that due to this efficient process of retrieval and transport, the organ is only out of the body for a few short hours, preserving its quality. In the US where organs must be retrieved from whatever location a donor happens to die, doctors are often forced to preserve organs outside the body for longer periods of time.

THE ISSUE OF CONSENT

In his conversations with Harry Wu, Wang Chengyong also mentions the issue of consent. According to Wang, consent must only be asked of the accused's family members. If the family gives consent, authorities are free to do what they will with the body after execution. If they refuse their consent, they will be bribed and coerced until they give in. If a criminal has no family, as Wang states the job is easier still because then consent is of no issue whatsoever. When asked about consent of the prisoner, Wang responds, ''. . . in China this thing is different from the United States, regarding this issue of dead people's organs . . . Death penalty prisoners who are being executed . . . have lost all their political rights.'' In reference to family consent, Wang states, ''as long as one gets the family's consent, and if there is no family, once he is executed, we'll just directly take the corpses away . . . It is not necessary to tell them about taking their organs.''

Due to the phenomenon of migrant labor entering cities all over China, many prisoners have no family in the provine where they were arrested. Wang Chengyong estimated that in the prisons of Hainan (one of China's booming ''special economic zones'') where he had served as a prosecutor, that about one quarter of prisoners had no family in the province. Regarding these migrants, Wang says, ''say you are a wandering criminal . . . And once you wandered to Hainan, you got arrested and you'll be killed over there. Before you are killed, your family members will be notified . . . But the family members may not necessarily come to collect the cadaver, he may not have any family members at all.''

COLLABORATION IN THE ORGAN HARVESTING PROCESS

In China today, this blatant violation of international standards of medical ethics and human rights law is manipulated to create a moneymaking enterprise for all parties involved. As a former prosecutor, Wang Chengyong also benefited from his role in the process, and spoke of how everyone receives their own payoff in collaboration for organ retrieval. Wang named these separate parties as follows: ''these are the several aspects, the Public Security Bureau, the procuratorate, the court, the judicial organization, plus hospitals and the families. Let us say, there ought to be these six aspects.'' In negotiations with Mr. Wu, Wang mentions each of these parties and calculates a large amount of money that he will take from any individual coming from the U.S. to China seeking a transplant operation. As all these governmental units collaborate to make this process possible, this amounts not to black market oriented scandal, but an effort that is sanctioned, coordinated and carried out by the Chinese government.

Many of Wang Chengyong's most chilling statements involve the vastness of China's system of removal of organs from executed prisoners for use in transplant operations. According to many of Wang's statements, this procedure is highly common in China and well known among all participating levels. He even brags about the execution procedures in Hainan Province that are especially conducive to kidney harvesting. He says, ''In Hainan, they shoot at the heart, from the back. And they have court doctors to confirm . . . where the bullet enters. Once shot, the bullet will just go through the heart . . . the heart and the kidney, they are far from each other. The shots will not be off target, lest damaging the kidney.'' He also quickly and easily estimates that there will be at least 200 executions in Hainan Province every year and that he personally can gain access to kidneys and other body parts from at least fifty of these 200. He tells Mr. Wu, ''Chinese hospitals do not lack for cadavers . . . in China there are too many executions by shooting. The medical schools can just get them any time they want . . . China is not lacking in corpses.'' Later he once again emphasizes this point, ''China has no lack of this . . . China lacks other things. China has lots of people, lots of death-row prisoners.''

As Wang Chengyong attempted to profit from the harvesting of organs from this seemingly limitless supply of death-row prisoners, he mentions the possibility of procurement of kidneys, corneas and other body parts. He is an integral part of a system that perpetuates this practice all over China to

the profit of Chinese governmental officials and adding one more gruesome example to the list of human rights violations that occur in the Chinese Laogai system.

Mr. SMITH of New Hampshire. Mr. President, I urge my colleagues to vote for the Smith amendment on organ harvesting. Do not listen to the talk on the floor that we need to stay together on PNTR and not have any amendments which might slow down the process. I urge my colleagues to vote yes not only on the Smith amendment but other amendments that are offered by colleagues that will expose some of the basic human rights violations that have occurred in China and are still occurring in China. It is wrong to look the other way and to sanction it while we provide aid, food, and trade to this nation.

Mr. President, I yield the floor and 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. ROTH. 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. ROTH. Mr. President, I rise in opposition to this proposal offered by my distinguished colleague from New Hampshire. I must do so because its passage will endanger H.R. 4444, not because of the sentiments expressed in the proposal.

As the State Department Human Rights Report of 1999 states, in recent years there have been credible reports that organs from executed prisoners in China were removed, sold, and transplanted. Chinese officials have even confirmed that executed prisoners are among the source of organs for transplant. Of course, they maintain that they get the consent of prisoners or their relatives before organs are removed.

Needless to say, China's organ harvesting practices are as gruesome as they are indefensible. But ending trade with China is unlikely to force the Chinese to change their behavior in this area. Indeed, by opening China to trade and to global standards of economic behavior we may well prod China to abandon its practices regarding organ harvesting.

Let us remember as well that H.R. 4444 establishes a congressional-executive commission on China which I believe holds promise for pressuring China to curb its human rights abuses, including the grotesque practice of harvesting organs.

Therefore, Mr. President, I must urge my colleagues to vote against this proposal.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. 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. LEVIN. Mr. President, the Smith amendment would require the Congressional-Executive Commission on the People's Republic of China to monitor the actions of the Government of the People's Republic of China with respect to the harvesting of organs from executed prisoners. I believe the allegations that Chinese officials harvest organs from executed prisoners are extremely serious. However, the Congressional Executive Commission already has jurisdiction to look at this practice because it is a human rights violation and the Commission has jurisdiction to monitor and report on human rights violations in the PRC. This very serious allegation should not be singled out among all the human rights abuses of the Chinese government when it is already covered as part of what the Commission can monitor and report on.

VOTE ON AMENDMENT NO. 4131

Mr. ROTH. Mr. President, I yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The question is on agreeing to the Byrd amendment No. 4131. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.—

The result was announced—yeas 33, nays 62, as follows:

[Rollcall Vote No. 240 Leg.]

YEAS—33

Abraham	Helms	Santorum
Ashcroft	Hollings	Sarbanes
Bayh	Hutchinson	Sessions
Bunning	Hutchison	Shelby
Byrd	Inhofe	Smith (NH)
Campbell	Kennedy	Snowe
Collins	Kohl	Specter
DeWine	Leahy	Thompson
Edwards	Levin	Thurmond
Feingold	Mikulski	Torricelli
Gregg	Rockefeller	Wellstone

NAYS—62

Allard	Dodd	Kerry
Baucus	Domenici	Kyl
Bennett	Dorgan	Landrieu
Biden	Durbin	Lautenberg
Bingaman	Enzi	Lincoln
Bond	Feinstein	Lott
Boxer	Fitzgerald	Lugar
Breaux	Frist	Mack
Brownback	Graham	McConnell
Bryan	Gramm	Miller
Burns	Grams	Moynihan
Chafee, L.	Grassley	Murkowski
Cleland	Hagel	Murray
Cochran	Harkin	Nickles
Conrad	Hatch	Reed
Craig	Inouye	Reid
Crapo	Johnson	Robb
Daschle	Kerrey	Roberts
Roth	Stevens	Warner
Schumer	Thomas	Wyden
Smith (OR)	Voinovich	

NOT VOTING—5

Akaka	Jeffords	McCain
Gorton	Lieberman	

The amendment was rejected.

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

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 4129, DIVISION VI

Mr. ROTH. Mr. President, I ask for the yeas and nays on the Smith amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 4129, division VI. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON), the Senator from Vermont (Mr. JEFFORDS), and the Senator from Arizona (Mr. MCCAIN) are necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. BURNS). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 29, nays 66, as follows:

[Rollcall Vote No. 241 Leg.]

YEAS—29

Abraham	Gregg	Mikulski
Ashcroft	Hatch	Santorum
Bunning	Helms	Sarbanes
Burns	Hollings	Sessions
Byrd	Hutchinson	Smith (NH)
Collins	Inhofe	Snowe
Craig	Kennedy	Specter
DeWine	Kohl	Thompson
Dorgan	Kyl	Torricelli
Feingold	Leahy	

NAYS—66

Allard	Enzi	McConnell
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Moynihan
Bennett	Frist	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Reed
Boxer	Grassley	Reid
Breaux	Hagel	Robb
Brownback	Harkin	Roberts
Bryan	Hutchison	Rockefeller
Campbell	Inouye	Roth
Chafee, L.	Johnson	Schumer
Cleland	Kerrey	Shelby
Cochran	Kerry	Smith (OR)
Conrad	Landrieu	Stevens
Crapo	Lautenberg	Thomas
Daschle	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	Wellstone
Edwards	Mack	Wyden

NOT VOTING—5

Akaka	Jeffords	McCain
Gorton	Lieberman	

The amendment (No. 4129), division VI, was rejected.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Delaware, Mr. ROTH.

Mr. ROTH. Mr. President, I ask unanimous consent that I be recognized at 1:45 p.m. today to call for the regular order with respect to the Thompson amendment No. 4132.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. With this agreement in place, all Senators should know that a motion to table the Thompson amendment will occur at approximately 1:45 p.m. Therefore, the next vote will occur at approximately 1:45 p.m. today.

I now ask unanimous consent that time prior to votes relative to these amendments be limited to 1 hour equally divided per amendment, with no second-degree amendments in order prior to these votes. The amendments are as follows: Helms No. 4123, Helms No. 4126, and Helms No. 4128. I further ask consent that Senator HELMS be recognized at 2:30 p.m. today to begin debate on amendment No. 4128 regarding forced abortions.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. ROTH. Mr. President, I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

AMENDMENT NO. 4132

Mr. THOMPSON. Mr. President, we have had a good debate over the last 2 or 3 days on the amendment Senator TORRICELLI and I have set forth. We have had a good discussion about the continued reports we have that the Chinese, Russians, and North Koreans continue to litter this world with weapons of mass destruction. And it endangers our country.

Bipartisan groups all across the board, just over the last 2 years, continue to remind us of this threat that is growing—it is not diminishing; it is growing. These same people tell us that the key suppliers are these three countries.

As late as 1996, we were reminded, once again, that the People's Republic of China was the worst proliferator of weapons of mass destruction in the entire world. We have had a good discussion on that. We have had a discussion about the fact that the leaders of the PRC have told us they are going to continue to do that, whether we like it or not, as long as we talk about protecting ourselves with a missile defense system and as long as we continue to befriend Taiwan.

We have sent three delegations of distinguished Americans and leaders, the Secretary of Defense, the Secretary of State, high-level people, to try to get them to relent and stand down from activities that endanger us, our children, and our grandchildren and make this world a more dangerous place. The leadership of the Chinese Government give us basically the back of their hand. They make no pretense that they are not going to act any differently in the future.

So the issue presented to us is: Are we, the United States of America, the most powerful country in the world, going to do anything about it? That is the issue before us today.

We have set forth an amendment which basically tracks a lot of legislation that is already on the books in terms of cutting off military-related items and dual-use items to these governments if they are caught in this activity. But what we add is a more extensive reporting requirement so we have a better understanding and a more detailed understanding than the reports we receive now give us.

Under our amendment, it makes it a little bit more difficult for a President to game the system. The President, of course, has been quoted as saying that when the law requires him to impose sanctions on a country that he does not want to impose on them, sometimes he has to fudge the facts, and the law makes him do that. That kind of attitude, when they are caught sending M–11 missiles to Pakistan and they are caught sending the ability to enrich uranium to go into nuclear materials—they are caught doing all that, with no sanctions imposed—all of that has resulted in a more dangerous world, not a new relationship built upon trust and friendship and a strategic partnership—a more dangerous world.

So this is a good debate. My friends who oppose this amendment say all that may be true, we may be facing a situation where these nations, including China, are conducting themselves in a way that is detrimental to our interests; they may be making the world a more dangerous place, and especially the United States. If these rogue nations have the ability to hit countries with their missiles, containing biological weapons that are indescribable in their effect, I doubt if it is going to be Switzerland they choose to threaten with this type weapon. We are on the front line. We have a right to be concerned.

Apparently we are concerned, because we are now in the midst of a debate on a national missile defense system because of this very threat. Yet as we consider this new trading relationship with China, some of us are refusing to consider the fact that China is one of the primary reasons we have this threat because they are supplying these rogue nations with this weaponry.

There is no need to go through the list again and again and again and again, the public list—not to mention the classified list that cannot be disclosed—of proliferation activities and the charts we have shown about the missile technology they are sending and the missile components they are sending—our CIA reports indicate the missile activity with regard to Pakistan is increasing. Practically on the eve of the vote for this new strategic relationship, this new partnership that is going to enrich us, they are blatantly increasing their activity. This is what we are facing.

It has been a good discussion. I disagree with my friends who think even though we have this facing us, we should put it aside for another day. We don't have a solution. We haven't done anything in the past. There is no reason to think we are going to do anything about it in the future. There is certainly no reason for the Chinese Government to think we are going to do anything about it in the future.

Wait for our friends and our allies to come together so we can have a multilateral approach. That sounds pretty good, but how long has it been since we have had a multilateral approach on anything? We don't have the ability in this country anymore to rally our allies as we once did, much less do something that might cost them some trade dollars.

We have a threat to this country. Clearly a multilateral approach would be preferable, but if we can't do that, as we obviously can't because we haven't, then we have to take action on our own.

So what do we do? Cut off agricultural products? Cut off trade across the board? Cut off automobiles and all that? No. If they are caught doing that, we cut off military equipment. We cut off dual-use items and others of that nature. We tell them their companies can't continue to use the New York Stock Exchange to raise billions of dollars when our Deutch Commission tells us that some of the worst proliferators, these companies that are doing this activity that are owned by the Chinese Government, are raising billions of dollars in our stock market. Does that make sense? Surely we have peace and prosperity now, but how long are we going to have it? How long can we be oblivious to what is going on around us?

We are having this debate. Reasonable people can disagree. Some say we should not get all this caught up in trade policy; We should keep our focus on trade; that trade is important; that we need to not complicate the trade issue. No one here has had a more consistent record than I in terms of free trade. I believe in it; whether it is NAFTA or fast track for President Clinton, I believe in it. Free trade can lead to open markets. Open markets can lead to more open societies. Eventually, in the long run, it can have a beneficial effect. I think it is going to be a much longer run in China than a lot of people think, but that is another story. I am for that.

This is different. This is not just a trade issue. In fact, it is not a trade issue at all. It should not be lumped in as a trade issue. I tried my best to get a separate vote on our amendment for 2 months. The supporters of PNTR apparently thought it would be easier to

defeat me if they forced me on to this PNTR bill. So that is where we are. So be it.

But this is a national security issue. Some would say this is one of those rare circumstances that we see every once in a while where we have legitimate free trade interests we want to promote and expand, even with those who are guilty of human rights violations, even with people with whom we strongly disagree, even with people who proliferate.

I intend to support PNTR. But what Senator TORRICELLI and I are saying is that along with that, not in opposition to that, or not as substitute for that, we must take into consideration the totality of our relationship with this country because they are doing things that are dangerous to this Nation. That is the primary obligation of this Nation. The preamble to our Constitution says the reason we even have a Government is to look after matters such as this.

It is a good debate. We have had a good back and forth for the most part. We steer off course a little bit every once in a while. Unfortunate statements are made on all sides, but that happens when issues are important. We spend enough time around here on things that are not important. It is kind of rejuvenating when we are actually talking about something that is. I can't think of anything more important than this.

But it has taken on a new dimension. This issue has taken on a new dimension now because what we have seen is unprecedented lobbying and pressure efforts to defeat the Thompson-Torricelli amendment. I hope we don't flatter ourselves with that assessment. Lobbying and pressure are fairly common around here. People have a right to express their opinions.

But on this issue—not on any of these other issues, apparently, but on this issue—it has brought out those who fear that in some way some trade might be affected. Never mind that we have taken agriculture and American businesses off the board; they are not involved in this at all. Never mind that it is not a general goods sanction or anything such as that that we are narrowly focused on here. They just believe that in some way it might irritate the Chinese and they might retaliate in some way. We can't afford to irritate them. What we need to do is continue down the road of giving them WTO, give them veto power on our national defense system, turn a blind eye to their theft of our nuclear weapons, turn a blind eye to the proliferation activities, go over to Taiwan, adopt the three noes the Chinese want us to do and put our allies in Taiwan in a nervous state. We need to continue down that road because it has gotten us so far, it has done so much for us, that is the way we need to continue.

I picked up the New York Times this morning and read in an article by Eric Schmitt the lead paragraph:

> Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering Senators . . .

All you wavering Senators out there, I extend my condolences because apparently corporate leaders and the White House have stepped up the pressure. I don't know why. They have said all along they have the votes to beat Thompson-Torricelli. I don't know why all of the nervousness. I don't know why all of the intensity. The President now has sent out a letter that says, among his complaints, that our amendment is unfair. I assume unfair to the Chinese Government. That is such a remarkable statement, I don't think I even need to reply to it.

He also has a problem because he says they have joined the nonproliferation treaty. They have joined the Chemical Weapons Convention. The Chinese Government has joined the Biological Weapons Convention and the Comprehensive Nuclear Test-Ban Treaty. The only problem with that is they have routinely violated every treaty they have ever joined. And they won't join the ones that require safeguards so people go in and inspect these facilities. He complains that it applies a different standard for some countries. Well, yes, it does. Why is that? Because our intelligence agencies have identified certain countries as being key suppliers of weapons of mass destruction. Do we not have a right to identify them and single them out? Have they not earned that privilege?

I think the integrity of the Senate is at stake with this kind of pressure being brought to bear on a matter of national security by those who do not know anything about issues of national security.

Many of my colleagues here, of course, are experts in this area—some of them. But these folks who call themselves corporate leaders—and I don't think there are many of them, but they are very intense and are interested in trade, so more power to them—apparently now they have taken on additional portfolios. They have responded to a higher calling involving issues of war and peace. Now they advise us as to what we should or should not do with regard to these proliferation issues.

Why do I say that the integrity of the Senate is at stake, and that there are those out here who on this vote are trying to emasculate the process with the proposition that the House can act, and when they act and put in all of their favorite causes, justified as they are, including Radio Free Asia and things such as that, which they try to express a concern about and all that, and God bless them, that is fine; but it comes over to the Senate and we are supposed to rubberstamp whatever it is that is in that House bill.

Why is that? Even though this is such an overwhelmingly obvious boon to the United States, they are fearful that if we add our concerns about nuclear proliferation to that list of items, if it goes back to the House, even though they won by a 40-vote margin, at the last minute people going into an election will switch their votes. They will look at our bill and say: My goodness, it has a proliferation aspect to it and we can't vote for that.

Ridiculous. It would not be 24 hours before the deed would be done. That battle has been fought and won. We are going to pass PNTR. The real question is, Are we going to relent to the pressure being applied?

Exhibit B is the same New York Times article:

> Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

In case anybody thinks they misheard what I said, let me read that again:

> Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

You know, it would be comical if it were not so serious. One of my great disappointments in this debate is that there have been some business leaders who have been drawn into this who really have no dogs in this fight because their businesses are not even affected, but they have been told they are affected. They put their blinders on and they justly argue the benefits of trade. But they resent it, when we have been elected by the entire population—people who are not corporate leaders—when we address in addition to that matters of national security.

That is very disappointing. It should not be that way. I don't think some of these people really represent who they pretend to represent. I don't know of anybody who has a better record of voting with the Chamber of Commerce position than myself, whether it be taxes or regulation or any of those matters. Some of my friends in the Chamber of Commerce in Tennessee are here. I haven't talked to them yet. But I will bet you that to a person they will say: Thompson, we elected you to look out for these things. We are for trade and we want trade, but if you think that in addition to that we need to send a signal about people who are making this a more dangerous world for our kids, you send that signal; we expect that of you. And if by some unforeseen circumstance we lose a dollar, so be it.

I think that is the way most people think. I think that is the way most businessmen and businesswomen think. I think that these little people who strut around up here making implied threats on campaign contributions and warning us of how we ought to vote for this, that, and the other, who don't know what they are talking about, need to be taken down a notch or two. I haven't been around here very long, but I have never seen anything such as that. He is warning of those who allow these folks to get tangled up in the politics of nuclear proliferation. That is

the small-mindedness we deal with here regarding this statement.

I feel sorry for the men and women out there in all the Chambers of Commerce around this country, to have this kind of representation in the New York Times and how people think that that represents their idea of the priorities that we have in this country. The lobby is intense. I assure you it is on one side.

You will not see the Halls littered with people out here saying ''keep our country safe.'' There are no lobbyists being paid to do that. No one makes any money off of our amendment. There are no tanks bought; there is nothing sold. All of the lobby, all of the pressure, all of the threats are on one side. So why it would be that the opponents of our amendment who claim they have the votes don't want to even give us a vote is something that perhaps ought to be contemplated.

Could it be that people really don't want to go on record because they realize they are casting their fate to the good graces of the leadership of the Chinese Government—and they have a consistent pattern of this activity and we catch them from time to time? It is going to continue and we are going to continue to catch them. Could it be that some people don't want to have cast a vote against a modest attempt for a better reporting requirement, a more transparent process, giving Congress an opportunity, in unusual circumstances, to have their say?

Again, there are two issues here now, it seems to me. One is on the merits and another is the integrity of the Senate and how we are going to handle this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. GRAMM. Will the Senator yield for a unanimous consent request?

Mrs. FEINSTEIN. Yes.

Mr. GRAMM. Mr. President, I ask unanimous consent that when the Senator from California finishes, I be recognized for 10 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. TORRICELLI. Reserving the right to object, if the Senator will amend the request that I be recognized following him, I will not object.

Mr. BIDEN. Reserving the right to object, I would like to follow the Senator from New Jersey, as well. I have been waiting.

Mr. MOYNIHAN. Mr. President, might the chairman present a request in writing as to the timing? I think we can get that up right quick.

Mr. ROTH. In the meantime, let the Senator from California proceed.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I rise to oppose the Thompson amendment, and then I hope I can make a few comments on what I believe to be one of the most important pieces of legislation on which this Congress will be voting. Let me begin by saying this. If I believed this amendment would keep our country safe, I would vote for it. I do not believe that is the case. Rather, I believe the amendment is deeply flawed and it has major procedural and review problems. I want to point those out.

Let me say, first of all, to most of us, the draft of this amendment was available Monday night, a little more than a day ago. Yet it is a major, long-range piece of legislation that has major implications for national security, for peace, and stability in the Asia Pacific region. To pass it without careful analysis, without full hearings, and without careful judgment is something to which I am not willing to be a party. There have been no hearings on this or any draft of this legislation. The National Security Council and the State Department have not had the opportunity to provide a full analysis of this latest version of the amendment or assess its likely short- and long-term impact.

I am one of those who believes it would, in fact, doom giving China permanent normal trading status. I am simply not willing to do that. Most importantly, from what I have been able to perceive, I believe the legislation has serious flaws.

First, it focuses on three countries. It separates them from all the other countries. It applies a standard to them that exists for no one else. And I do not believe that is in the best interests of sound decisionmaking.

Second, the mandatory sanctions put in place by this amendment have hair triggers which are tripped by minimal evidence—indeed not necessarily even evidence. The raw intelligence data that provides the ''credible information'' trigger of this amendment requires followup, substantiation, and analysis before it is used to initiate action. It should be the starting point for processes that weigh options and consider appropriate action, not an end point that instantly triggers strong responses.

Let me give you one example: In 1993, the Yin He incident, where based on ''credible information'' the United States publicly accused China of shipping proscribed chemical precursors to Iran. The Chinese freighter in question was diverted and every single container searched, at great cost and inconvenience to all involved. There were no banned chemicals aboard. The Thompson amendment would have mandated sanctions.

Second, there is no way to target the sanctions which would be triggered by this amendment, and no effective Presidential waiver for national security interests. It is a blunt instrument more likely to hurt American interests than to change China's behavior.

Third, the amendment invites diplomatic and, yes, maybe even legal problems with other countries, including allies. The amendment as drafted could create a situation whereby sanctions would be placed on corporations of allied countries that are not acting illegally.

Fourth, especially chilling is the way in which the amendment's wording could, in effect, blacklist any company tagged as a proliferating agent under this amendment's low standard of proof.

These are just a few of the examples of some of the problems with this amendment. Several of my colleagues have discussed other shortcomings at greater length.

Automatic sanctions set off by low thresholds of evidence offer little to entice allies to join us in implementing an effective sanctions regime, but they most certainly will damage U.S.-China relations. They most certainly will weaken our ability to engage the Chinese in any kind of worthwhile dialog or influence them to change their behavior.

I urge my colleagues to join me in opposition to this amendment.

Let me, if I might, say a few things about the bilateral agreement that really is the issue before us today. I reviewed it carefully, and I believe that in this agreement China has made significant market-opening concessions to the United States across virtually every economic sector.

For example, on agricultural products, tariffs will drop from an average of 31 percent to 14 percent by January of 2004. Industrial tariffs will fall from an average of 24.6 percent in 1997 to 9.4 percent by 2005.

China agrees to open up distribution services, such as repair and maintenance, warehousing, trucking, and air courier services.

Import tariffs on autos, now ranging between 80 percent and 100 percent, are broken down to 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.

It 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 United States—will remain in force for 12 years, and the ''special anti-dumping methodology'' will remain in effect for 15 years.

No matter how you look at it, this benefits the United States.

I think many people have confused this PNTR vote with a vote to approve China joining the World Trade Organization. It needs to be understood that China will likely join the WTO within the next year regardless of our action. The issue will, in fact, 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 ''nondiscriminatory'' trade practices—that is PNTR—are entitled to receive the benefit of WTO agreements. Without granting China permanent normal trading status, the United States effectively cuts itself out of China's vast markets, while Britain, Japan, France, and all other WTO nations are allowed to trade with few barriers.

In my view, this has been an interesting exercise because it has been highly politicized. The bottom line is if we don't grant China PNTR based on the November bilateral agreement, an agreement in which the United States received many important trade concessions and gave up nothing, we effectively shoot ourselves in the foot. We take ourselves out of the agreement, China still goes into the WTO, and those other strategic trading blocks such as the European Union receive the benefits of the bilateral agreement. We do not.

I think it is much broader than this. But I think there is an ultimate issue at stake. That is this: The People's Republic of China is today undergoing its most significant period of economic and social activity since its founding 50 years ago. The pace is fast and the changes are large.

I am one who studies Chinese history. I have been watching China for over 30 years. I made my first trip in 1979. I try to visit China every year, if I can, and I have watched and I have seen.

In a relatively short time, China has become a key Pacific rim player, and a major world trader. It is a huge producer and consumer of goods and services—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.

In a very real sense, the shaping of Asia's future begins with choices America will make in how to deal with China.

I come from a Pacific rim State; 60 percent of the people of the world live on both sides of the Pacific Ocean. The trade on that ocean long ago over took the trade on the Atlantic Ocean. It is, in fact, the ocean of the future.

We can try to engage China and integrate it into the global community. We can be a catalyst for positive change. Few objective observers would argue that despite the problems that still remain, there have not been significant benefits and advances in China that have come from two decades of interaction with the United States and the West. Or, we can deal antagonistically with China. We can lose our leverage in guiding China along positive paths of economic, political, and social development, and sacrifice business advantage to competitor nations while gaining nothing in return.

As I see it, for the foreseeable future America faces no greater challenge than the question of how to persuade China that it is in China's own national interests to move away from authoritarian government and toward a more open, a more pluralistic and freer society. How do we convince China to make the political, economic and social changes that will help China evolve the leadership that will make it guarantor of peace and stability in the Pacific rim, throughout Asia and the world?

I am convinced that Congress will debate few issues more important this year than the question of China's entry into the World Trade Organization and whether or not we will deal with the Chinese on the basis of a permanent normal trade relationship.

Trade means change in China. Economic engagement with the United States has been one of the prime motivating factors in China's decision to move toward a market economy and away from its self-isolation of decades. The past 20 years have brought massive social reform and economic advancement for China's people. I remember the first time I traveled to China in 1979. I saw a land of subdued people, grey Mao suits, few consumer goods, no conveniences, poor living conditions and little personal, economic or political freedom. The economy was all centrally controlled; little private property and private business existed.

Today, the goods, services, housing, and freedoms available to residents of Chinese cities like Beijing, Shanghai, and Guangzhou are greatly improved. People have become interested in what happens outside of China. People will speak more freely. Living standards are higher. China is increasing turning to private ownership—as much as 50 percent of the economy is in private hands in boom areas like the Pearl River Delta in Southern China.

Large, inefficient state enterprises are closing or being converted to private ownership. Entrepreneurship is on the rise in the cities in much of the countryside. Cutting our bilateral economic ties will accomplish nothing except to turn back the clock in China to favor more government controls, seek to isolate this growing economy, and very likely strengthen repressive political interests linked to protectionism and economic nationalism within the PRC.

It is evident to me that flourishing business relationships have developed increased contacts, improved mutual understandings, and personal relationships between Americans and Chinese.

This, in turn, has fostered many positive changes, as different ways of thinking percolate through Chinese society at many levels. It is there; I have seen it. American firms have brought new management styles, innovative ideas, and new work styles to China. Through their presence in China's economy, Americans have spread their corporate philosophies, teaching Chinese entrepreneurs, managers, and workers about market economics, commitment to free flows of information, the rule of law—the most important thing—dedication to environmental responsibility, and worker rights and safety.

Yes, it is far from perfect. But are things changing? The answer by any objective criteria has to be yes. Are there flaws? Are there problems? Does China very often do stupid things? Yes: The crackdown on Falun Gong, in my view a stupid thing, an unnecessary thing, something that, once again, pushes it backwards rather than forwards. Its treatment of Tibet—has China done the wrong thing? Absolutely. For 10 years I have been saying that and will continue to say it. It makes no sense for a great nation to treat a major minority the way in which the Tibetan people are treated. I will say that over and over again. I will work to change it. And one day we will succeed and do that, too. But we cannot do it if we isolate China. We cannot do it if we play into the hands of the hardliners. We cannot do it if we create the kind of adversarial relationship that is determined to make China into the next Soviet Union. I believe that firmly, and 30 years of watching has confirmed it.

American firms exercise a very real influence over the changes occurring in Chinese society. That influence will not survive the elimination of PNTR. American businesses in China bring American values to China. But, they cannot bring them if their ability to operate is undercut. History clearly shows us a nation's respect for political pluralism, human rights, labor rights, and environmental protection grows alongside that nation's positive interaction with others and achieving a level of sustainable economic development and social well-being.

People who have a full stomach then begin to say: What is next? People who have an education then begin to question the leadership. That will happen in China just as it did in Taiwan, just as it did in South Korea. Not too long ago, both were governed by dictatorships. Given a chance, China can change as well.

If we are serious about building a peaceful, prosperous and stable Asia, if we are serious about being a force for good in the Pacific rim in the 21st century, if we are serious about working to bring about democratic reforms, human rights reforms, and labor reforms in China, we also must establish permanent normal trade relations with China. This is part of the equation for making China into a member of the WTO and the world community as a whole, and saying that China must, in return, play by the same rules all other members follow. It also exposes China to sanctions in the WTO should they not. As a WTO member, China commits to eliminate barriers to its markets; to accept WTO rulings concerning trade practices and procedures; and to abide by WTO decisions concerning trade disputes.

The November 15, 1999 U.S.-China WTO Agreement marked successful completion of 13 years of difficult U.S.-China negotiations.

I, for one, am convinced that normalizing our trade relationship with China is absolutely in our own best interest. But it is absolutely in the best interests of seeing China becoming a pluralistic society, of developing the concern for human rights that we in the Western World hold so dear, of understanding the freedoms provided to us because of our due process of law, of understanding how important it is that a judiciary be independent from the politics of government, having a modern commercial code and a modern criminal code. None of these things China has today.

As has often been said, it has to be remembered that China, for 5,000 years, has been ruled by despotic emperors and for 50 years by revolutionary leaders who had no education. This is really, in over 5,000 years, the first time this largest nation on Earth has had an educated leadership who is now, today, striving to open the door to the Western World.

Remember the Boxer Rebellion? Remember what happened? Remember the humiliation, the isolation of China, and look what happened. We now have a chance in this legislation to take a different course. Most importantly—and this is what has amazed me so much about this debate—PNTR is nothing special. It simply means we will conduct our trade with China in the same manner and under the same rules that we conduct trade with almost every other nation in the world. In fact, there are only six countries with which we do not have normal trade relations—Afghanistan, Cuba, Laos, North Korea, Serbia-Montenegro, and Vietnam. All of them are small nations.

In my view, the damage of denying China permanent normal trade relations would strike even deeper. Punitive U.S. economic policies aimed at unpalatable Chinese domestic practices will not only cut into American jobs, it will slice at China's newly emerging market-oriented entrepreneurial class, the driving force behind the very changes we seek to cultivate without eliminating the targeted abuses in Chinese society. What kind of sense does that make?

Responsible American voices in business, in education, in law, and in religion understand that attacking China through economic ties is counterproductive. It endangers the very social elements within China that are most compatible with ethical American norms.

Trade relations do not only benefit business. They are a key part of the foundation that supports the entire U.S.-China relationship. I believe that not only do we shoot ourselves in the foot by denying PNTR, we strike a blow against encouraging China to see that it is to its interest to make the necessary changes, to understand that it, too, by open doors, more ties across the Pacific, more pluralistic government, more freedoms for its people evolves as a stronger nation, not a weaker nation. That was the case with Taiwan. That has been the case with South Korea. I submit to you, Mr. President, it is the case of virtually every country that lives under dictatorship or absolute rule.

Pluralism results from an evolution and a growth in human standards, in economic standards, in interaction with the rest of the world. China will be no different if we enable it to open itself to the world. We should be prudent, we should be watchful, we should be strong, we should confront them where wrong—no question about that. I believe we have the adequate tools to do it.

I have seen sanctions placed since I have been in this body, and I do not believe the amendment before this body will encourage the kind of behavior that can enable China to eventually be a stable, sound partner anywhere in the Pacific or elsewhere. I feel very strongly about this. I thank the Chair for his forbearance. I yield the floor.

Mr. LOTT. Mr. President, I support and will vote for granting permanent normal trade relations status to the People's Republic of China .

I will do so because the agreement negotiated between the United States and China will help level the playing field for a wide range of American companies who seek to do business in China.

I also support the bipartisan amendment offered by Senators FRED THOMPSON and ROBERT TORRICELLI to require certain reports and to impose sanctions on entities identified by the President for their sale or transfer of dangerous technology to rogue regimes.

We cannot stand idly by while China continues to proliferate nuclear weapon and missile technology to unstable regions.

There are numerous reports that this pattern of dangerous behavior by Beijing is continuing. For example, the CIA Director George Tenet recently issued a report to Congress on recent developments in proliferation.

That report asserts that China has increased its missile-related assistance to Pakistan and continues to provide missile-related assistance to Iran, North Korea, and Libya.

These are governments which our own State Department has labeled as state sponsors of terrorism.

Who are the ultimate targets for these missiles and nuclear and chemical weapons in the hands of terrorist states? It is the American people, our friends and allies, and our military forces deployed in hot-spots such as the Persian Gulf.

Let me state it differently: When China proliferates dangerous technology to dangerous states, it directly and very negatively affects our national security.

The Clinton administration says it, too, is concerned about this behavior. But it has failed—resoundingly failed—to stop it. Our CIA tells us that these activities are on-going today.

So we need to do more, and this bipartisan amendment makes a strong statement that either this proliferation behavior stops or real and credible penalties will be imposed.

I say to my colleagues who, like me, support granting PNTR for China: Let's not lose sight of the national security issues at stake here.

I, like Senator THOMPSON, would have preferred to consider this important legislation on another bill and not on H.R. 4444. In fact, I made every effort to see to it that the Thompson-Torricelli legislation could be considered either as a free-standing measure or as an amendment to some other piece of legislation.

However, my efforts to have the Thompson-Torricelli amendment considered separate from the China PNTR legislation was blocked.

Therefore, we now are faced with a vote on the Thompson-Torricelli amendment on H.R. 4444. Given this situation, I will support the amendment and oppose the motion to table.

Mrs. BOXER. Mr. President, I share Senator THOMPSON's and Senator TORRICELLI's concerns about weapons proliferation, and I appreciate their bringing this important matter up for debate in a non-partisan fashion. However, I believe that the amendment they have offered to H.R. 4444, legislation that will grant permanent normal trade relations to the People's Republic of China, does not address the issue in the most positive way.

My first concern with the China Nonproliferation Act is with the name itself. The original legislation proposed by the sponsors of this amendment specifically singled out China. But, the current amendment adds North Korea and Russia as nations that are named as covered countries under this proposal. I believe it is correct to expand the list of initial countries beyond China, but I still feel that on the issue of proliferation, every country should be treated with a uniform standard.

The second concern is that this amendment attempts to curtail the spread of weapons with a unilateral rather than a multilateral solution. It is clear to me that this issue is sufficiently complex to demand the cooperation of the international community in stopping the proliferation of weapons. While this amendment singles out North Korea, Russia, and China as covered countries, it also opens the door to possible sanctions on our closest allies. This is because of the requirement that countries listed in the annual section 721 report that is mandated under the fiscal year 1997 Intelligence Authorization Act be covered by this amendment. This report singles out those nations that are a source of dual-use technology which, in recent years, has included such countries as

Germany, Italy, and the United Kingdom. I do not believe that sanctioning our closest allies—those that traditionally support our interests—will further our non-proliferation goals. Furthermore, using unilateral sanctions rather than working with our allies to develop multilateral strategies is not the most effective means of curtailing proliferation.

Another concern with the amendment is that the sanctions would deny all state-owned enterprises of a covered country access to U.S. capital markets. This was one reason why Alan Greenspan publicly spoke out against this amendment at a hearing of the Senate Banking Committee. He stated that ''. . . to the extent that we block foreigners from investing or raising funds in the United States, we probably undercut the viability of our own system.''

Finally, I am concerned that this amendment will not provide the necessary flexibility for the executive and legislative branch to conduct policy on proliferation issues. The amendment gives the President only 30 days from the time he issues a report to Congress on proliferation to impose five unilateral mandatory sanctions. After the President makes this determination, the amendment allows for as few as 20 Senators to initiate a reversal of the President's decision. It would take only 20 Senators to ensure that a resolution of disapproval be referred to the Committee on Foreign Relations. The committee would then only have 15 calendar days to consider such a resolution. If the resolution is not reported in that timeframe, it would be sent to the floor with debate limited to 10 hours and a vote required within 15 days. Given the inadequate evidentiary standard of ''credible information'' that is provided for in this amendment, this expedited procedure is a recipe for bad policy.

I do look forward to discussing this matter further both here on the Senate floor and within the Senate Foreign Relations Committee. This complex issue requires further review and debate separate from the current business of granting permanent normal trade relations to the People's Republic of China.

Mr. SHELBY. Mr. President, I rise to express my support for the Thompson-Torricelli amendment, or the ''China Nonproliferation Act.''

I do so as a Senator who has long been concerned about the threat posed by China's reckless proliferation of nuclear, missile and other technologies, and as chairman of the Intelligence Committee, with responsibility for our intelligence efforts against this critical national security threat.

While this amendment applies to other countries, including Russia and North Korea, we are considering it in the context of Permanent Normal Trade Relations for the People's Republic of China, or PNTR. Therefore, my remarks will, for the most part, focus on that country.

I should say at the outset that I intend to support PNTR because I believe that, on balance, taking this step will further U.S. national interests.

But China remains, in the words of the Director of Central Intelligence, a ''key supplier'' of sensitive technologies to Iran, Pakistan and other countries.

I remind my colleagues that the Intelligence Committee has prepared and made available to Members a summary and compendium of recent intelligence reporting on PRC proliferation. It remains available for your review.

I understand that only a handful of Senators have availed themselves of this opportunity. I urge each of you to review this very disturbing and revealing material. Without having done so, you will be voting on this amendment ignorant of the facts as we know them.

Whether you choose to vote for or against this amendment, you must not do so without a full appreciation of the facts.

Suffice it to say that China has not improved its poor proliferation record.

In light of the poor Chinese proliferation record, I believe that risks associated with approving PNTR are managed better if the Thompson-Torricelli amendment is enacted with our new trade relationship with China.

Since the sponsors and other Senators are addressing the threat to our national security posed by Chinese proliferation, I will focus primarily on some of those aspects of the problem of greatest concern to the Intelligence Committee.

Tracking the proliferation of weapons of mass destruction has been among the Intelligence Committee's very highest budgetary priorities.

This is because proliferation is one of our most daunting and resource-intensive intelligence challenges. The materials and technology to build nuclear, biological, and chemical weapons and the missiles to deliver them are not shipped in the open. They are smuggled across borders and shipped under false documents.

Vital technical support to a country's missile or nuclear program may fit on a single computer disk or take the form of clandestine visits by technical experts.

The materials used in making weapons of mass destruction and their means of delivery are often dual use, meaning that they may also be used for peaceful purposes.

Our intelligence analysts must compile all the facts to determine the likely use of these materials. This really is rocket science, and nuclear science, and biological and chemical science.

Tracking proliferation is not only difficult, it is a critical mission. Timely intelligence provides us with the information we need to support our efforts to deter or dissuade countries, like the People's Republic of China and Russia, from selling nuclear, chemical, biological or missile technologies to rogue states or regions of instability.

When deterrence and dissuasion fail, timely intelligence also will support efforts to counter the proliferation and use of missiles and weapons of mass destruction.

What is especially frustrating for me, as chairman of the Intelligence Committee, is that while the Intelligence Community is doing its job, gathering intelligence at great expense and risk about who is selling and who is buying technologies of mass destruction, this intelligence is ignored by policymakers.

Policy makers have frequently circumvented our sanctions laws by avoiding reaching a determination that could trigger sanctions. They have ensured that the bureaucratic process for reaching a determination that would lead to sanctions is never started, or completed, or impossible standards of evidence are set, so that a judgment never has to be reached.

A case in point is the notorious M–11 missile. After years of closed door deliberations on this issue, in September of last year, for the first time, the Intelligence Community stated publicly its longstanding conclusion that ''Pakistan has M–11 SRBMs [Short Range Ballistic Missiles] from China. . . .''

Lest anyone miss the significance of these Chinese missiles now in the hands of Pakistan, or their contribution to instability in South Asia, the community assessed further that these missiles may have a nuclear role.

Sales of M–11 technology have twice triggered sanctions against the PRC under the Arms Export Control Act and Export Administration Act. The sale of M–11 missiles should, under current law, have triggered additional, even stricter, sanctions.

But despite the clear, and public, conclusion of the Intelligence Community, the State Department has suggested that the Intelligence Community's finding that the M–11 missiles were sold by the PRC to Pakistan did not meet its ''high standard of evidence.''

Failure to follow through on the facts, however unpleasant the facts may be, undercuts the credibility of our entire nonproliferation policy.

I am hopeful that the Thompson-Torricelli amendment will force a more robust response to the intelligence collected on proliferation. Under this amendment, policy makers will be forced—on an annual basis—to collect the evidence of proliferation and provide a report to Congress.

This report will be more comprehensive and focused than those we have received to date.

The report must identify persons from China, Russia, North Korea and other states when there is credible evidence that this person has contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic missiles.

The report also will identify any person of a covered country that is engaged in activities prohibited under the

relevant treaties and agreements regarding the possession and transfer of chemical, biological, and nuclear weapons.

The President is directed in the China Nonproliferation Act to report information on noncompliance with international arms control and proliferation agreements by the covered countries.

Finally, the report must include an assessment of the threats to our national security, and that of our allies, resulting from proliferation—whether or not this proliferation can be determined to meet the legal or evidentiary standards the State Department asserts to avoid reaching sanctions judgements.

This will go a long way towards compelling the State Department to acknowledge serious instances of nuclear and other proliferation.

Furthermore, the Director of Central Intelligence is required to reach a determination regarding what transfer or sale of goods, services, or technology have a ''significant potential to make a contribution to the development, improvement, or production of nuclear, biological, or chemical weapons or of ballistic or cruise missile systems.''

Again, mandating this report will allow us to avoid the unpleasant situation we have been in for years in which the President has been able to avoid reaching necessary judgements about proliferation activities and their consequences.

This report will contribute significantly to the ability of the U.S. Congress to conduct oversight and to make informed judgements on matters of national security.

The information detailed in the report should better enable us to judge the appropriateness and, over time, the effectiveness of the sanctions provided for in this amendment.

Some have complained that this bill forces the President to impose sanctions. This is not the case.

The amendment provides adequate flexibility to the President since he can waive the sanctions.

However, he must specify his reasons for doing so, and Congress may disagree through procedures set out in the bill. This legislation will make Presidential decision-making more transparent and will ensure that the President's decisions are based on the best intelligence available.

Mr. President, would our citizens want to continue to sell items on the United States Munitions List to an individual that has ''contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles'' for a third party or state.

Would our citizens want to continue to license dual-use items that could contribute to this individual's proliferation of weapons of mass destruction?

Would our citizens want to continue to provide that individual Government assistance in the form of grants, loans, or credits?

Would our citizens want to continue co-development or co-production of items on our munitions list with that individual?

Of course not. Of course not.

I hope we can agree that the United States should neither reward nor contribute to proliferation of the weapons that threaten our own Nation.

Without question, the imposition of sanctions against another nation or foreign companies is always a serious matter.

The imposition of sanctions has significant foreign and economic policy consequences for the United States and should not be undertaken lightly.

Because sanctions can be costly for our own American industries, we must be sure there is a clear national security interest that will be advanced by the sanctions.

Curbing proliferation meets this test. The President has declared the proliferation of weapons of mass destruction to be a ''national emergency,'' and I think most of us agree with that declaration.

I support the Thompson-Torricelli amendment because it takes a balanced, measured approach to the problem of sanctioning Chinese proliferation activities, and similar activities of other countries.

In particular, it creates a process to ensure that the U.S. response to future activities of proliferation is never again the inaction, indifference, and self-deception that characterizes the current process.

I believe this bill will bring us closer to a situation in which the PRC and other supplier nations clearly understand—for the first time—that there will be serious consequences when they engage in proliferation of weapons of mass destruction that threaten the United States, its allies, and friends.

Mr. President, I again urge my colleagues to review the available intelligence. The facts speak for themselves, and they speak very loudly indeed.

I urge adoption of the Thompson-Torricelli amendment and yield the floor.

Mr. ASHCROFT. Mr. President, as this body discusses the China Non-proliferation amendment, I would like to comment briefly on Chinese actions that have not only damaged the national security of the United States, but are antithetical to the peace and stability of the entire world—weapons of mass destruction and missile proliferation. I am dismayed that the government of the People's Republic of China has consistently brutalized its own population, intimidated its neighbors, and provided the world's most dangerous technology to ''States of Concern''—in direct violation of international agreements, domestic law, and fundamental international standards of behavior. It is time for the Senate to speak in a clear, definitive voice against China's actions.

The facts are that China has provided nuclear, biological, and chemical weapons technology, along with ballistic and cruise missiles to ''States of Concern''—previously referred to as ''Rogue Nations''—including Iran, Pakistan, Iraq, Libya, Syria, North Korea, and Algeria. Congress should not stand idly by as China continues these practices. Passage of the China Non-Proliferation amendment is a prudent step in the right direction to address this problem. The amendment is both a reasonable and measured response to the serious situation that this Administration has allowed to continue.

While I prefer to see this bill, the China Non-proliferation Act, passed as a separate measure and not as an amendment to the China-Permanent Normal Trade Relations, PNTR, bill, it is now clear that the critical and timely nature of this issue, combined with the counterproductive actions of those trying to prevent its consideration, have left us in the position of having to vote on this today. I reject the notion that a vote on this amendment is a vote against granting PNTR to China. This is simply not the case. The Thompson amendment will not kill PNTR or even place conditions on granting PNTR for China. This amendment will simply stem the flow of unauthorized information on nuclear, biological, and chemical weapons technology by creating real consequences for proliferating countries. I believe that these consequences, coupled with strong leadership by the Executive Branch, can dramatically slow proliferation.

Senator THOMPSON's amendment addresses proliferation concerns by requiring the President to submit a report to Congress identifying every person, company, or governmental entity of the major proliferating nations—China, Russia, and North Korea are currently on this list—against which credible evidence exists that the entity contributed to the design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles by a foreign person. Based on this report, the President would then be required to impose specific measures against foreign companies in these countries who have been identified as proliferators. For example, under this amendment if a Chinese company provided nuclear technology to Iran, the United States would deny all pending licenses and suspend all existing licenses for the sale of military items and military-civilian dual-use items and technology as controlled under the Commerce Control List to that company. Additionally, the President would be required to impose an across-the-board prohibition on any U.S. government purchases of goods or services from, and U.S. government assistance, including grants, loans, credits, or guarantees, to this company.

In addition to the mandatory sanctions imposed on proliferating foreign

companies, the amendment would also authorize the President to impose discretionary measures against the key supplier countries. Foreign companies do not act alone in the proliferation of weapons; it is quite clear that China, Russia, and North Korea all actively support proliferation activities, and therefore must be held accountable for their actions. This amendment recognizes this truth and would empower the President to apply discretionary measures against them as well, such as:

Suspension of all military-to-military contacts and exchanges between the covered country and the United States;

Suspension of all United States assistance to the covered country by the United States Government;

Prohibition on the transfer or sale or after-sale servicing, including the provision of replacement parts, to the covered country or any national of the covered country of any item on the United States Munitions List, which includes all military items, and suspension of any agreement with the covered country or any national of the covered country for the co-development or co-production of any item on the United States Munitions List.

Suspension of all scientific, academic, and technical exchanges between the covered country and the United States;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List, which includes military-civilian dual-use items, that is controlled for national security purposes and prohibition of after-sale servicing, including the provision of replacement parts for such items;

Denial of access to capital markets of the United States by any company owned or controlled by nationals of the covered country;

Prohibition on the transfer or sale to the covered country or any national of the covered country of any item on the Commerce Control List and prohibition of after-sale servicing, including the provision of replacement parts for such items.

Due to the highly sensitive national security issues involved in cases of proliferation, any of the sanctions can be waived by the President if he determines: (1) that the person did not engage in the proliferation activities; (2) that the supplier country was taking appropriate actions to penalize entities for acts of proliferation and to deter future proliferation; or (3) that such a waiver was important to the national security of the United States.

I believe that these measures, affecting both the proliferating company and country, if applied consistently and fairly by the President, can and will stem the serious problem of weapons proliferation. China, along with Russia and North Korea, must understand that there are real consequences for continuing this reckless behavior, and the United States must take a stand and lead the charge to stop such proliferation. Passage of the Thompson amendment will accomplish that goal.

A firm stand against proliferation is desperately needed. Chinese proliferation, along with that of Russia and North Korea, is continuing unabated to the detriment of America's national security. It is well documented that China has provided sensitive technology to at least seven States of Concern, including Pakistan, Iran, Iraq, Syria, North Korea, and Algeria. Most of these states have explicitly threatened the security of the United States and actively sponsored terrorism. The remaining countries are in regions where war is commonplace and the consequences for the use of WMD would be especially devastating. Of these proliferation cases, the two most horrendous cases are Pakistan and Iran.

Pakistan is a nation of tremendous unrest and instability, and China has provided it with extensive nuclear and missile technology. Born in conflict, Pakistan was created with India out of one people and one territory, and conflict has defined this nation throughout its history. Pakistan fought three wars and numerous border skirmishes against India, its principal adversary. These battles have been mostly fought over the hotly contested Kashmir region bordering northeast Pakistan. The Kashmir conflict is widely accepted by International Affairs and Defense experts as one of the most likely conflicts to erupt into a nuclear war. China, to a great extent, has not only fostered the conflict through political posturing and land-grabbing, but it has also provided the nuclear weapons that would be used in such a war. China continues to provide critical nuclear and missile related technology to Pakistan, thereby further escalating the arms race and underlying conflict.

In May 1998, India and Pakistan tested a total of eleven nuclear devices. This ushered Pakistan into—and reestablished India as part of—the world's most exclusive club of nuclear weapon states. Although India's nuclear program was created from mostly indigenous sources, Pakistan's nuclear program was purchased from the People's Republic of China. A recently declassified Central Intelligence Agency report states that during the early 1980's, China provided Pakistan blueprints of a full Chinese nuclear design that was tested in 1966. It appears it took Pakistan almost 20 years to test a weapon because they had difficulty translating the blueprints from Chinese.

Since the 1980's, China has consistently provided Pakistan additional nuclear components and missiles. China has operated the Pakistani Cowhide Uranium-enrichment plant (needed for nuclear weapons production), provided designs for additional bombs and reactors, sold weapons grade uranium, sold 5,000 ring magnets for a nonsafeguarded nuclear enrichment program, and continues to provide assistance to nuclear facilities that are not safeguarded by the International Atomic Energy Agency, IAEA. The IAEA ensures that nuclear facilities are not producing nuclear weapons grade material.

China has also provided Pakistan with complete nuclear-capable missile and missile components. The most widely reported missile transfers are the M–11 missile, also called the CSS–7 or Ababeel. This nuclear capable missile, designed and produced in China, has a 300-kilometer range—placing many highly populated Indian cities at risk. Although it is unclear how many M–11s Pakistan currently possesses, it appears that China has been providing these missiles for almost a decade.

Pakistan's nuclear-capable Medium Range Ballistic Missiles, (MRBM), named Ghauri and Shaheen, were developed as a result of extensive Chinese technology and assistance. The Ghauri has a quoted range of 1500 km, but during the actual flight test, the Ghauri flew only 600 km. Even at this shorted range, some of India's largest cities, including New Delhi and Bombay, would be at risk. The Shaheen, although not flight tested, is reported to have a range of 700 km, making its strike distance comparable to the Ghauri.

What is especially disturbing is that this is just the beginning of the Chinese proliferation record regarding Pakistan. These transfers have allowed Pakistan to amass an incredibly capable and frightening nuclear and missile force. These transfers are in direct violation of international and domestic law. It is apparent that China and Chinese businesses have violated the Missile Technology Control Regime, the Arms Export Control Act, the Export Administration Act, the Non-Proliferation Treaty, the Export-Import Bank Act, and the Nuclear Proliferation Prevention Act.

With all these violations of international and domestic law, one must ask the question, ''What has the Clinton Administration done to stem the flow of nuclear and missile technology?'' The answer is sadly, ''very little.'' The Clinton Administration imposed only mild sanctions on China for providing the M–11 technology. However, these sanctions were quickly lifted when China ''agreed'' not to continue providing missile technology to Pakistan. Despite this ''agreement,'' China has not stopped the provision of missile and nuclear technology.

I am troubled that the President seems to have accepted Chinese promises and reassurances without thoroughly examining the facts. For example, a July 1997, CIA report concluded that ''China was the single most important supplier of equipment and technology for weapons of mass destruction'' worldwide, and that China continues to be Pakistan's ''primary source of nuclear-related equipment and technology. . .'' The Chinese Foreign Ministry spokesman Cui Tiankai, responded characteristically to these charges by stating that ''China's position on nuclear proliferation is very

clear . . . It does not advocate, encourage, or engage in nuclear proliferation, nor does it assist other countries in developing nuclear weapons. It always undertakes its international legal obligations of preventing nuclear proliferation . . . China has always been cautious and responsible in handling its nuclear exports and exports of materials and facilities that might lead to nuclear proliferation.'' The Clinton Administration was apparently reading from the Chinese script when Peter Tarnoff, Under Secretary of State, said during a Congressional hearing that, ''. . . we (the United States) have absolutely binding assurances from the Chinese, which we consider a commitment on their part not to export ring magnets or any other technologies to unsafeguarded facilities . . . The negotiating record is made up primarily of conversations, which were detailed and recorded, between US and Chinese officials.'' With the overwhelming evidence, it is mystifying that the Chinese spokesman could make such statements with a straight face, and it is extremely disappointing that the Administration apparently took China at its word.

More than one and half billion people live in South Asia. I believe that Pakistan would not be in the position to start a nuclear war without Chinese assistance. Although we cannot reverse proliferation in Pakistan, we can, and should, take a stand to stop further transfers to Pakistan and other countries through passage of the China Non-Proliferation Act. Without taking a stand here, what will stop China from providing nuclear and missile technology to Palestine, or Sudan, or the renowned terrorist Osama Bin Ladan? The United States must take the lead, as the world's only Superpower, and stand against nuclear proliferation, which damages the security of the entire nation.

Not only has China provided nuclear and missile technology to the dangerous and unstable region of South Asia, China has provided sensitive technology to Iran. Iran has been identified by U.S. government agencies, organizations, and entities, along with independent national security experts, as one of the major threats to US security. Iran's threat stems from several significant factors including its large population and armed forces; its geostrategic and political location in the Middle East—along the straits of Hormuz and the Caspian Sea; an Islamic fundamentalist government; a drive to obtain weapons of mass destruction along with their associated delivery vehicles; stated opposition to the United States and United States' national interests; opposition to the Israeli-Palestinian Peace Process; the de-stabilization of Lebanon—Israel's northern neighbor; and the use and sponsorship of terrorism in its own country and around the world. Due to these facts, the idea of providing nuclear, biological, chemical, and missile technology to Iran seems unbelievable, but it is a sad reality.

According to a 1999 CIA report, ''Iran remains one of the most active countries seeking to acquire Weapons of Mass Destruction, WMD, and Advanced Conventional Weapons, ACW, technology from abroad. In doing so, Tehran is attempting to develop an indigenous capability to produce various types of weapons—nuclear, chemical, and biological—and their delivery systems.'' Iran is obtaining much of this technology from China and Russia.

The CIA report continues, ''for the second half of 1999, entities in Russia, North Korea, and China continued to supply the largest amount of ballistic missile-related goods, technology, and expertise to Iran. Tehran is using this assistance to support current production programs and to achieve its goal of becoming self-sufficient in the production of ballistic missiles. Iran already is producing Scud short-range ballistic missiles, SRBMs, and has built and publicly displayed prototypes for the Shahab–3 medium-range ballistic missile, MRBM, which had its initial flight test in July 1998. In addition, Iran's Defense Minister last year publicly acknowledged the development of the Shahab–4, originally calling it a more capable ballistic missile than the Shahab–3, but later categorizing it as solely a space launch vehicle with no military applications. Iran's Defense Minister also has publicly mentioned plans for a ''Shahab 5.'' Such statements, made against the backdrop of sustained cooperation with Russian, North Korean, and Chinese entities, strongly suggest that Tehran intends to develop a longer-range ballistic missile capability in the near future.'' These longer ranged missiles would be capable of striking targets in Europe and perhaps in the United States.

China is ''a key supplier'' of nuclear technology to Iran, with over $60 million annually in sales and at least fourteen Chinese nuclear experts working at Iranian nuclear facilities. In 1991, China supplied Iran with a research reactor capable of producing plutonium and a calutron, a technology that can be used to enrich uranium to weapons-grade. (Calutrons enriched the uranium in the ''Little Boy'' bomb that destroyed Hiroshima, and were at the center of Saddam Hussein's effort to develop an Iraqi nuclear bomb.) In 1994, China supplied a complete nuclear fusion research reactor facility to Iran, and provided technical assistance in making it operational. China also continues to work with two Iranian nuclear projects, a so-called ''research reactor'' and a zirconium production facility. It is well documented that China has provided Iran ''considerable'' chemical and biological weapon-related production equipment and technology. China has also provided sensitive ballistic missile technology for Iran's growing missile capability. Among other transfers, in 1994, China provided hundreds of missile guidance systems and computerized machine tools. This is just the beginning of Chinese proliferation to Iran.

The sad fact is that Iran would not have these capabilities without Chinese assistance and American inaction. Although these transfers violate almost every non-proliferation law on the books, the Clinton Administration has only taken small and random acts against selected Chinese companies. These meaningless acts have done nothing to stem the proliferation, and without stronger laws, Chinese proliferation will continue.

It is time for the United States to respond with authority to the continued threat of weapons proliferation. Although we need a President who is willing to lead, we also need more effective laws mandating the President to impose sanctions on foreign companies when they engage in proliferation, and authorizing him to take actions against nations violating international law. This is what the China Non-Proliferation Act will do, and I support passage of this amendment.

The PRESIDING OFFICER. Who seeks recognition? The Senator from Delaware.

Mr. ROTH. Mr. President, I ask unanimous consent that the following Senators be permitted to speak for up to the designated times in the following order: Senator KYL, 5 minutes; Senator BIDEN, 10 minutes; Senator TORRICELLI, 10 minutes; Senator HUTCHISON, 10 minutes; Senator GRAMM, 10 minutes; Senator THOMPSON, 10 minutes; Senator ROTH, 5 minutes. I further ask consent that the vote occur no later than 1:45 p.m. this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Arizona.

Mr. KYL. Mr. President, I appreciate the remarks of the Senator from California. To return the debate to the Thompson amendment, the question before us immediately is not whether PNTR should be granted but whether the Thompson amendment dealing with national security issues should be supported. PNTR is going to pass this body early next week. The question is whether at about 1:45 p.m. or so this body will table the Thompson amendment.

The Thompson amendment would set up a regime that would help stop the proliferation of weapons of mass destruction by China. In the past, each year we have been able to review the Chinese trade, national security, and even human rights issues, and because we had an annual review, we were able to deal with those issues in this body, as well as from a diplomatic point of view the administration's dealings with China.

PNTR will remove that annual review, the requirement that we affirmatively act each year. It will allow China then to join the WTO, and that is fine as a matter of trade. But we have to have some parallel way of ensuring

from a national security standpoint that China stops the proliferation of weapons of mass destruction.

The Thompson amendment sets up a process whereby the Chinese actions are reviewed and the President can impose sanctions, if it is appropriate, but if he does not impose sanctions in those circumstances—he does have a waiver authority—he is required to report to Congress why not. There is nothing unreasonable about this particular proposition.

Yesterday I talked at length about the reasons for it. I will mention two: The proliferation of M–11 missiles by China to Pakistan, for example, which has not resulted in appropriate sanctions by the United States and, more recently, the transfer of sea-based cruise missiles to Iran.

We remember what happened to the *Stark*, the U.S. destroyer in the Persian Gulf, when several Americans lost their lives as a result of a sea-based cruise missile. The question here is particularly interesting because the Senate voted 96–0 that the Chinese actions in supplying these cruise missiles to Iran was a violation of the Gore-McCain Iran-Iraq Nonproliferation Act. In other words, China is not supposed to send this kind of weapon to countries such as Iran. The Senate has been on record unanimously that it was a violation of the act. The administration has done nothing to impose sanctions or otherwise act to stop China from that kind of proliferation. That is why the Thompson amendment is necessary.

Trade, in other words, cannot be the only thing that defines the relationship between the United States and China. The Senate has to balance other things than trade, including our national security obligations.

It has been said that we cannot support the Thompson amendment, not because it is not a good idea but because if there is any change to this bill in the Senate, if it goes back to the House of Representatives, they will not pass it. One of two things is true: Either there is support for PNTR and the House of Representatives will quickly act on the Thompson amendment, and, in fact, if the two are joined and sent to the House, as I was advised yesterday, support would fall off in the House to the point where there are 40 people over there who no longer support PNTR and would not vote for the bill.

Obviously, it would be an anti-democratic action for us to proceed with something that no longer enjoys a majority support in the House of Representatives. I cannot believe that many people would switch their vote on PNTR. They still, of course, can vote against the Thompson amendment if we send it over to them.

The fact is, we have 5 weeks to go. The House of Representatives has plenty of time to deal with this issue. They are committed to PNTR, as I know the leadership of the Senate is. I cannot believe amending the bill with the Thompson amendment would destroy PNTR. Remember, too, that it is the opponents of the Thompson amendment who forced Senator THOMPSON into using this vehicle of amending PNTR as the only way to achieve his goal of establishing a nonproliferation regime with respect to China. He offered to do it in freestanding legislation. He was rebuffed. He offered to do it after the debate. He was rebuffed. In effect, they knew they had the best chance of defeating him if they could force him to offer an amendment to PNTR because then they could argue they were all for it in substance, but they did not dare let it pass as a procedural matter because the House then would have to deal again with PNTR.

I think this is the most cynical of strategies. I wish the issue had not come up in this way. I urge my colleagues at the appropriate time, in about 45 minutes, not to table the Thompson amendment. Give Senator THOMPSON an up-or-down vote on his amendment. It is the fair thing to do. It is the right thing to do and, from the standpoint of the responsibilities of all of us in this Chamber as Senators who have responsibility both for trade and for national security, the Thompson amendment is the right thing to support.

Thank you, Mr. President.

Mr. TORRICELLI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. TORRICELLI. Under the previous order, Senator BIDEN was to be recognized at this point. I ask unanimous consent that I be allowed to proceed under his time and that, in turn, he proceed following the conclusion of my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. TORRICELLI. Mr. President, I think it is important to remind the Senate of the issue before the body. It has been argued that China should be allowed into the World Trade Organization. That is not a question of this amendment. China is coming into the World Trade Organization under PNTR.

It has been argued that there should not be an interference in trade between China and the United States; it was argued strenuously by my friend and colleague from California. That is not before the Senate under this amendment.

It has been argued that the internal politics of China should not interfere with trade. That is not before the Senate. The Senate has defeated the measures on internal matters in China. It is going to support WTO and the PNTR. The issue before the Senate is narrowly defined.

Under Thompson-Torricelli, there is a single issue before this body: Whether repeated acts of violations of nonproliferation agreements by Chinese companies will give the President the authority, which he will have the right to waive, to interfere with Chinese access to American capital markets. That is the only issue before the Senate.

I recognize that we come to this institution with a variety of local interests. Some of us represent agriculture and some industry; some labor and some business; some in the West, some in the North; some in the South; some in the East; some rural; some suburban. We have one unifying common interest—the national security of the United States. Wherever we are from, whatever our priorities, whatever our philosophy, that single guiding responsibility unites us all.

I recognize there are economic interests in the country that are on different sides of the issue of PNTR. But on this single issue, the proliferation of dangerous weapons of mass destruction that are a threat to the life and the security of the United States of America, we can find common ground.

Indeed, as enthusiastic as any individual farmer in America may be to get access to Chinese markets, notwithstanding the fact that this amendment does not deal with agricultural exports, I would challenge any Member of this Senate to find an individual American farmer who, even if this amendment did threaten agricultural exports, would trade a single sale for the United States not being resolved in denying Chinese companies the ability to export missile or nuclear or biological technology that threatens the American people.

Find me a single high-tech executive, given the choice between an individual contract and the ability to restrict a single Chinese company from selling technology that threatens the United States of America, find me one who would not take a stand for this amendment.

Individual interests, I understand them.

My friend and coauthor of this amendment, Senator THOMPSON, stood on the floor reciting comments by the president of the U.S. Chamber of Commerce, who threatened retribution against Senators who support Thompson-Torricelli and cited the ''politics of nuclear proliferation.''

What have we come to as an institution? The ''politics of nuclear proliferation''? I thought the issue of nonproliferation knew no politics, was supported by Democrats, Republicans, liberals and conservatives. We can all differ on some of the strategies of defending the United States. We may differ on the question of a missile shield defense. We may differ on how we allocate our national defense resources. But I thought the question of proliferation was the one uniting aspect of our foreign policy that knew no bounds—we are all united in the question that there are some governments that are so irresponsible, some nations that live so far out of the norms of accepted behavior, that they must be denied these weapons.

The evidence is unmistakable that the People's Republic of China, despite

20 years of commitments to accede to this policy of denying these rogue nations these technologies, continues to export this dangerous technology. The evidence is overwhelming.

The Director of Central Intelligence reported to this Congress, last month, that China has increased its missile-related assistance to Pakistan, continues to provide assistance to Iran, North Korea, Libya; that China has proliferated to Pakistan.

This Senate has debated what to spend and how to spend to defend ourselves against the possibility, by 2005, of nuclear-tipped missiles from North Korea. We have all lived in anguish with the destruction of American citizens by the terrorism in Libya and Iran.

Now before this Senate is the most modest of amendments—not an interference with trade; not a restriction on exports, though indeed that may be justifiable; not a sanction against the violations of workers' rights or human rights, though that may be arguable. We have not dared, in the most modest of positions, to ask, to request, to suggest any of those things. Just this: That the authority exists to deny companies in the People's Republic of China that consistently, regularly are found, by overwhelming evidence, to be proliferating dangerous technologies that threaten the United States of America, access to our capital markets. But, indeed, that would be too ambitious to ask, so we have given the President waiver authority to cancel that restriction and simply tell the Congress why he did so.

Is there a man or woman in the Senate who thinks this request is so ambitious, would so threaten the economic life of the United States, that we cannot ask this? I challenge my colleagues in the Senate, if you will not accept the evidence from the Director of Central Intelligence on this proliferation, if you will not cede the warning, accept the overwhelming evidence of this proliferation and the threat it constitutes to the United States of America, then have the intellectual honesty and courage to rise on the floor of this Senate to say the Central Intelligence Agency no longer provide this evidence. Because if you will not read it, you will not accept it, and you will not act upon a request that is this modest in scope, then have the intellectual honesty not to even receive it.

I say to my colleagues, it has been stated on this floor that the history of economic sanctions has been uniformly disappointing; that there is no evidence that they succeed. In the long history of economic sanctions, this would be the most modest. We interfere with no trade, restrict no product, restrict no market, only the raising of capital, and only then if the President does not exercise a waiver.

But even if this were a more ambitious amendment, do my colleagues in the Senate really want the record to reflect that we do not believe economic sanctions are ever justifiable or ever successful, particularly members of my party?

The birth of economic sanctions was from Woodrow Wilson, former Governor of my State, who believed they were the civilized alternative to avoiding armed conflict and war. They are not a perfect weapon, but they have avoided conflict.

Who here would rise and say that unilateral sanctions by European states against South Africa and apartheid was wrong, or against Rhodesia or against the Soviets after invading Czechoslovakia? Who here would argue that they were wrong against Cambodia after the death camps? Who would argue they were wrong against fascist Italy, against Abyssinia and Ethiopia? Who here would argue that Roosevelt was wrong in using them against the Nazis or the Japanese invasion of Manchuria or Wilson himself against unrestricted submarine warfare in the North Atlantic? For the entire 20th century, these sanctions have been used—not a perfect tool, not always successful, but always an alternative to conflict and in defense of the national security.

That issue is before the Senate again. Because while these may not be sanctions, because it may appear the Senate, given the economic opportunity, would not accept them, Senator THOMPSON and I have offered something far less ambitious, a simple standby authority. But it is an alternative.

What will we say to the American people if one day we discover that missile or nuclear or biological weapons are in the hands of our most feared enemies threatening the lives of the American people? Someone on this floor would be right to rise and quote the old Bolshevik maxim: They will sell us the rope with which we will hang them.

No one on this floor wants to provide that explanation. I urge support for the Thompson-Torricelli amendment. It is right. It is modest. I believe the Senate would be proud to take this stand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. How much time do I have?

The PRESIDING OFFICER. Under a previous order, the Senator has 10 minutes.

Mr. BIDEN. Mr. President, I oppose the amendment by the Senator from Tennessee.

Although well-intentioned, the Thompson amendment—the so-called ''China Nonproliferation Act''—is a deeply flawed approach to addressing the proliferation problem.

At the outset, let me stipulate to a couple of points about which the Senator is correct.

First, I fully agree with the Senator that the proliferation of weapons of mass destruction poses a serious threat to our national security. I commend him for his concern, which I know is sincere.

Second, I agree with the Senator's assertion that the People's Republic of China has a poor proliferation track record. China's exports of weapons of mass destruction and the means to deliver them have made the world a more dangerous place.

Unfortunately, our concerns are not all historical. You won't find much argument in this body if the Administration decided today to impose sanctions on China—using existing law—for its continuing export of ballistic missile technology to Pakistan.

The debate isn't about whether China has a clean record in the area of nonproliferation. It does not. Period. No, this debate is about how we get the Chinese and other proliferators to clean up their act. So I ask my colleagues to keep their eyes on the ball.

The question each of us should ask as we evaluate the Thompson amendment is this: At the end of the day, is the Thompson amendment likely to improve U.S. security by reducing the spread of weapons of mass destruction and the means to deliver them?

I believe the answer is no. The legislation offered by Senator Thompson is deeply flawed. Since its introduction, the Thompson amendment has been revised at least three or four times. I give the Senator credit for trying to fix the bill's many flaws. Unfortunately, with each version, this bill has not substantially improved.

In its earliest iteration, at least we knew what this bill was all about. It was all about undercutting the very normal trade relations that we are about to vote to make permanent with China and instead treating China like a virtual enemy.

The likely effect of the original version of the ''China Nonproliferation Act'' was to gut normal trade relations with China, shut down trade in dual-use items, deny China access to our capital markets, end educational and scientific exchanges, and suspend the bilateral dialog on a range of important issues, including counter-narcotics and counter-terrorism.

It was clear-cut. It was unambiguous. And it was unambiguously contrary to the national interest.

The current version of the amendment does not have that coherence. Rather, it is a legislative stew containing an assortment of ingredients, not all of which go together. It has several major flaws.

The first major flaw is that although the sponsors have advertised the amendment as targeting certain rogue states, in fact it also targets American firms and firms located in several western nations.

On its face, the amendment purports to target only those countries highlighted by the Director of Central Intelligence in a seminannual report as ''key suppliers'' of weapons of mass destruction and missile technologies. Those countries, under the most current version of this report, released

earlier this summer, are China, Russia, and North Korea.

But closer examination of the amendment reveals that it would likely expose some of our closest allies—and even U.S. firms—to scrutiny under this bill.

Let me explain. This is a bit complicated, so I hope colleagues will bear with me.

Under the amendment, the President must submit a report to Congress annually—''identifying every person of a covered country for whom there is credible information indicating that such person'' has transferred dangerous technology to other foreign entities or has diverted U.S. technology in such a way so as to contribute to development of weapons of mass destruction.

A ''covered country'' is a term that is defined in the bill: it is any country identified by the Director of Central Intelligence as a ''source or supply'' of dual-use or other technology in the most current report required under Section 721 of the Intelligence Authorization Act for Fiscal Year 1997. A country is also a ''covered country'' if it was so identified in this report at any time within the previous five years.

Guess what? In 1997, this report by the Director of Central Intelligence specifically named the United States, as well as several Western European nations, including the United Kingdom, France, Germany and Italy, as ''favorite targets of acquisition for foreign weapons of mass destruction programs, especially for dual-use goods not controlled by [certain] multilateral export control regimes.'' That makes those nations a ''source or supply'' of dual-use or other technology under the terms of the Thompson amendment.

So what does this mean?

It means the President will have to report to Congress on any ''credible information'' that the Executive Branch has on either (1) United States firms, or (2) European firms regarding transfers of dangerous technology. Sanctions are unlikely to result against U.S. or European firms, for two reasons.

First, after this report is provided to Congress, the President must then formally determine that the firm has actually engaged in the proliferation activity—not merely that there is credible information that it has.

Second, even if the President makes such a determination, the amendment exempts from the sanctions any nation that is part of a multilateral control regime on proliferation—as the United States and the major Western powers are.

But for the firms named in this original report, the damage will have been done.

First, the companies will surely be subject to negative publicity based on the very low ''credible information'' standard—and suffer financial and other damage that may flow from such publicity. Second, Section 8 of the amendment requires the firm, if its stock is listed on U.S. capital markets, to make this information—that is, the information that they have been cited in the presidential report—available in reports and disclosure statements required under the Securities Exchange Act.

In short, the bill places a ''scarlet letter'' on the reputation of firms—based on information that may later prove to be unfounded.

This is a pretty breathtaking provision—which requires the President to shoot first, and ask questions later.

The second major flaw of the bill is that the amendment is its rigidity. It imposes a one-size-fits-all straitjacket on the President—forcing him to impose numerous sanctions against an offending company, no matter the gravity of the violation, and it requires him to impose the same set of sanctions in every instance.

Under the amendment, if the President determines that a person or firm has engaged in prohibited proliferation activity, then the President must apply five different penalties on such firms—including a ban on military and dual-use exports from the United States to such firms, and a ban on the provision of any U.S. assistance, including any loans, credits, or guarantees to such firms.

This would include Export-Import Bank financing and assistance from the Overseas Private Investment Corporation.

The President has no flexibility to tailor the penalty to fit the crime. He must impose all five punitive measures against the offending person for at least one year—even if the behavior is corrected immediately. He cannot dangle carrots encouraging the firm or nation to clean up its act.

The only flexibility he would have is to invoke a national security waiver. And I doubt such a high waiver will be justifiable in each and every case.

I believe it is extremely unwise to tie the President's hands in this manner.

We are not clairvoyant, and we should give the President flexibility to calibrate his response—and the power to cope with changing circumstances which we cannot foresee.

It is also unwise to impose the same set of penalties on different cases. Should we treat the transfer of an item on Category Two of the Missile Technology Control Regime the less serious of the two categories in that regime—such as telemetry software—the same as a transfer of a complete missile system? Current missile sanctions law permit this sort of differentiation. The Thompson amendment does not.

On Monday the Senator from Tennessee implied that the sanctions under this provision are somehow discretionary—that the President has the flexibility on whether or not to impose sanctions under Section 4 of the amendment. This is simply not true.

Under Section 4 of the amendment, ''if the President determines that a person identified in a report submitted pursuant to section 3 has engaged in an activity described under section (3)(a)(1), the President shall apply to such person'' the sanctions for not less than one year.

In other words, if the President finds that a person engages in a proliferation activity, he must apply the sanctions. He has no discretion—if he sees that the requisite facts exist, he must impose sanctions.

Don't take my word for it.

A few years ago, the Office of Legal Counsel at the Department of Justice interpreted similar language in another non-proliferation law—the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991. It concluded that the President ''has a duty to make determinations, not merely the discretion to do so.'' And once he makes those determinations, then the sanctions under the law are triggered.

So, too in the Thompson amendment. If the President determines that the proliferation action has occurred, then the sanctions must be imposed.

To be sure, the bill allows the President to waive the sanctions. But the act of making the initial determination is not waivable.

The third major flaw is that the bill will undermine the credibility of existing sanctions laws because it has an extremely low burden of proof and does not differentiate serious violations from trivial ones.

Let me explain first how sanctions are triggered in the bill.

Two kinds of behavior are sanctionable: the first is any transfer of technology of any origin by a person of a covered country—and remember, ''covered country'' includes the United States and several European allies—which contributes to the ''design, development, production, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles'' by a foreign person.

The second action that is sanctionable is any contribution to a weapons of mass destruction program made by the diversion of U.S.-origin technology to an unauthorized end-user. Such diversions are sanctionable even if they occur within China or Russia.

The bill penalizes either of these actions—technology transfers or diversion—regardless of whether they are either ''knowing'' or ''material.''

Nearly all of our current proliferation sanctions laws contain these ''knowing'' and ''material'' requirement—they do not attempt to punish transfers that are unintentional or are relatively inconsequential.

For example, Section 73 of the Arms Export Control Act—the existing missile sanctions law—requires sanctions whenever a foreign person ''knowingly'' transfers equipment or technology controlled by the Missile Technology Control Regime, MTCR.

Items controlled by the MTCR meet the test of ''materiality'' because they

involve either complete missile systems or significant components of such systems.

The Thompson bill, however, punishes all transfers—regardless of whether the firm intentionally engaged in the prohibited conduct or whether the transfer made any difference to the program of the recipient nation.

The only standard is whether is it ''contributes'' to the ''design, development, production, or acquisition'' of weapons of mass destruction programs. This, potentially, has a very broad sweep.

Does a vehicle supplied by Russia, the United States or a western country and used by the People's Liberation Army to transport goods from one weapons plant to another ''contribute'' to ''production'' of Chinese missiles?

Does cement for a Chinese cruise missile plant ''contribute'' to the ''production'' of such missiles? Does advice from an efficiency expert ''contribute'' to ''production''?

Surely they do ''contribute'' in some way to the production occurring at the facility.

Under the Thompson amendment, all ''contributions''—even these relatively inconsequential examples I just cited—would appear to be treated equally.

If we are going to impose sanctions, we should have a rule of reason—and punish transfers that matter. Do we really want to trigger the vast machinery of sanctions over transfers that are not of serious concern?

Additionally, do we want to trigger a vast array of sanctions if the company did not act intentionally?

The fourth major flaw of the amendment is that it could undermine our proliferation policy by singling out China, Russia, and North Korea.

A law that singles out the worst proliferators might, at first blush, make sense. But it sends an odd message to the world that we care only about proliferation from those countries. Why shouldn't we care just as much about proliferation by Libyan or Syrian firms as by Chinese firms?

To be effective, U.S. sanctions law should be defensible to the world. We can logically explain that proliferation to Iran or Iraq deserves special attention—because of the rogue behavior of those countries. But what is the logic for treating proliferation from China, Russia, and North Korea more seriously than proliferation from other countries?

Moreover, country-specific legislation is unnecessary.

If China, Russia, and North Korea are the worst actors in this area, then any law that applies generally will fall on them disproportionately.

In fact, current proliferation sanctions laws have been used against these three countries more than most others.

The fifth major flaw of the amendment is that it will impose an incredibly burdensome reporting requirement on the intelligence community and the Executive Branch officials responsible for enforcing non-proliferation policy.

The amendment requires that all ''credible information'' about proliferation activity, no matter whether it is proven or not, no matter whether the activity is significant or not, be included as part of a new magnum opus. This low ''credible information'' standard is derived from the Iran Nonproliferation Act of 2000. Under this standard, one piece of information from a source deemed to be credible must be reported—even if that evidence later proves to be false.

Congress has yet to receive the first report required under that Act. But we do have some information about the burden it is imposing.

To date, the Intelligence Community has found 8,000 pages of information that is ''credible'' just on chemical and biological weapons and missile proliferation alone.

Many thousands of staff hours will be required to assemble and analyze the information for this report. Does it really make sense to have our government's non-proliferation specialists devoting so much time to assembling yet another report—rather than combating the proliferation danger?

Congress hardly suffers from a lack of information about proliferation. We already require a range of reports on the subject. For example:

Congress receives an annual report on proliferation of missiles and essential components of nuclear, chemical and biological weapons—required since 1991;

Congress receives an annual report on the threat posed to the United States by weapons of mass destruction, ballistic and cruise missiles—required since 1997;

Congress receives an annual report on the efforts of foreign countries to obtain chemical and biological weapons and efforts of foreign persons or governments to assist such programs —required since 1991;

Congress receives an annual report on the transfer of chemical agents and the trade precursor chemicals relevant to chemical weapons—required since 1997 under the Senate resolution consenting to the Chemical Weapons Convention;

Congress receives an annual report on compliance with international arms control agreements, which includes a detailed assessment of adherence of other nations to obligations undertaken in nonproliferation agreements or commitments—required since the mid-1980s.

In addition, Members of Congress have full access to a range of regular intelligence reports on the subject of proliferation.

In sum, we do not need another report that will divert officials in the Executive Branch from the daily business of trying to actually stop proliferation.

Mr. President, I understand the motivation at work here. Proliferation by Russia or China makes me angry too! I would have thought that the limitations of this kind of sledgehammer approach that I have just described would have been made evident by now.

So I remind my colleagues: Keep your eye on the ball! This legislation is not likely to be effective in reducing proliferation by irresponsible actors.

Let me make one final point.

One underlying assumption of the Thompson bill seems to be that there are few non-proliferation statutes on the books. Any such assumption would be false—over the last decade Congress has enacted numerous proliferation laws. Let me highlight a few:

The Chemical and Biological Weapons Control and Warfare Elimination of 1991 contains numerous provisions restricting technology to, or imposing sanctions on, to countries or persons proliferating chemical or biological weapons technology;

The Nuclear Proliferation Prevention Act of 1994 bars U.S. Government procurement in the case of foreign persons who materially contribute to the efforts of individuals or non-nuclear weapons states to acquire nuclear material or nuclear explosive devices, and requires sanctions on financial institutions that finance the acquisition of nuclear material or nuclear explosive devices.

The Foreign Assistance Act bars U.S. foreign assistance to nations that engage in certain proliferation activities;

The Arms Export Control Act provides for sanctions against nations that transfer unsafeguarded nuclear materials or against non-nuclear states which use nuclear devices, including the Glenn Amendment sanctions which were imposed on India and Pakistan in 1998.

The Iran-Iraq Arms Nonproliferation Act of 1992 requires sanctions against persons or countries who knowingly and materially contribute to the efforts by Iran or Iraq to acquire chemical, biological, or nuclear weapons or to acquire destabilizing numbers and types of advanced conventional weapons.

The Export-Import Bank Act bars financing for U.S. exports to any country or person which assists a non-nuclear weapons state to acquire a nuclear device or unsafeguarded special nuclear material.

Finally, a Presidential Executive Order (#12938) requires the Secretary of State to impose certain sanctions against foreign persons who materially contribute or attempt to contribute to the efforts of any foreign country to obtain weapons of mass destruction or a missile capable of delivering such weapons.

In short, it is a delusion to think we have a shortage of laws.

What the senator is complaining about is a failure to use these laws to punish the Chinese and other bad actors. This failure is hardly unique to this Administration.

During President Reagan's term, China provided nuclear know-how to Pakistan and missiles to Saudi Arabia. The United States responded by selling

advanced conventional weaponry to the People's Liberation Army—torpedoes for its navy, advanced avionics for its air force, and counter-battery artillery radars for its army.

In President Bush's administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions—and then subsequently liberalizing export controls on a wide range of high technology, including the launch of U.S.-made communication satellites by China.

The Clinton Administration has twice sanctioned China for proliferation of missile and chemical technology, but has balked at imposing sanctions in response to China's most recent misdeeds.

The failure of Executive Branch to use sanctions authority occurs in both Republican and Democratic administrations. It is often lamentable. But the appropriate response is not enactment of a severely flawed piece of legislation.

Mr. President, let me sum up.

I understand the Senator's concerns. I agree with him that Chinese proliferation is a serious problem. I disagree with his remedy.

I would be pleased to work with him next year in trying to move serious legislation to fill any gaps that may exist in our proliferation laws through the Committee on Foreign Relations—the committee of jurisdiction.

But I believe that it would be extremely unwise to pass this legislation, as well-intentioned as it is—because I believe it has so many flaws that it is beyond fixing at this late date. This legislation, as currently written, would not succeed, and could seriously harm our non-proliferation efforts.

I urge my colleagues to vote no on the Thompson amendment.

To reiterate, the Senator from New Jersey and the Senator from Tennessee have made some good arguments but on the wrong bill. If you listen to the debate of the proponents, you would assume there is no sanction legislation that exists now relative to China. The irony is that there is significant sanction legislation on the books now.

This quarrel is about two things. Half the people who are for this amendment are against trade with China. The other half of them—I don't mean literally half—are made up of a mix of people, people who are against the bill, the permanent trade relations bill which my senior colleague is managing, and some who are desperately concerned about the prospect of further proliferation by China.

The truth is, what the real fight should be about is why President Bush, President Reagan, and President Clinton have not imposed the laws that are on the books now. We don't need any new sanction laws. We particularly don't need ones that are so desperately flawed as this one, which lowers the threshold so low you can't be certain that, in fact, there is proliferation going on, raises so many questions that we will spend our time litigating this among ourselves more than we will be doing anything about the problem. And further, this is a circumstance where I don't think there is anyone on the floor who would rise up and criticize this administration if they did what I have publicly and privately suggested to them: Impose sanctions now under existing law.

I am sure none of my colleagues would do this but their staffs may. I refer them to the last third of my statement where I laid out in detail how many laws are on the books now which were enacted relative to proliferation: the Chemical and Biological Weapons Control and Warfare Elimination Act, the Nuclear Proliferation Prevention Act of 1994, the Foreign Assistance Act, the Arms Export Control Act, the Iran-Iraq Arms Nonproliferation Act, the Export-Import Bank Act, which bars financing of U.S. exports, the Executive Order No. 12938, which requires the Secretary of State to impose certain sanctions, et cetera. All the laws are there now. They exist.

What this is really about is the unwillingness in the minds of our colleagues, some of our colleagues, for this administration to once again impose sanctions, or the last administration to impose sanctions.

We became fairly cynical around here because of what happened during the terms of the last two Presidents. What was the response to documented proliferation by China, for example, during President Reagan's term; when China provided nuclear know-how to Pakistan and missiles to Saudi Arabia? The U.S. response, under President Reagan, was to sell advanced conventional weaponry to the People's Liberation Army, torpedoes for its navy, advanced avionics for its air force, and counterbattery artillery radars for its army.

In the Bush administration, China sold missile technology to Pakistan. The United States responded by briefly imposing sanctions and then subsequently liberalizing export controls on a wide range of high-technology issues, including the launch of U.S.-made communications satellites by China.

This isn't about whether or not nonproliferation laws exist. It is about whether or not we have the will to impose upon the President the requirement that he enforce the law now.

Why not pass a resolution here and now and say that the Senate goes on record saying, Mr. President, you should impose sanctions on China now? There is enough of a case to do it now. Why not do that, if you are really concerned about sanctions? This goes beyond that.

Everybody knows if this or any other amendment passes attached to this bill, the larger issue of trade with China is dead, for this term anyway.

In the brief time I have remaining, let me jump to another point. My friends talk about this in terms of—and I don't doubt their sincerity—their strategic concerns. They talk about the fact of what is going to happen if China sells technology again; what are we going to do? The implication being, had we acted on this amendment favorably and passed it, then China wouldn't sell any more weapons technology. That is a bit of a tautology. They would sell it whether or not this amendment is here. The question is what retribution we take and in what form we take it.

I ask the rhetorical question to my friends from Tennessee and New Jersey, and others who support this amendment. Right now we are trying very hard to deal with two things in North Korea: the existence of fissile material that is able to make nuclear bombs, and their ability to produce a third stage for their Taepo Dong missile that would allow that missile to reach the United States, although it is problematic whether they could put a nuclear weapon on it even if it had a third stage because of the throw-weight requirements.

So what have we been doing? Former Secretary of Defense Perry, and the last administration as well, have been trying to get the Chinese to use their influence on North Korea not to develop long-range missiles. And what has happened? It is kind of interesting that the first amelioration, the first thawing of the ice came with the Agreed Framework during Perry's tenure. The Agreed Framework made sure that North Korea would not be able to acquire more fissile material for nuclear weapons. They stopped making fissile material. It is working. Surprise, surprise.

The second thing is, because of our intercession with China, at least in part, the Chinese had a little altar call, as we say in the southern part of my State, with the North Koreans. The North Korean leader, the guy we were told was holed up, who is manic depressive, a guy who was supposedly schizophrenic, everything else you hear about him, went to Beijing. He came back. Guess what. He had a public meeting with South Korea. Guess what. He concluded that they would stop testing their missile, the third stage of their missile. He further concluded that there should be some rapprochement with the south.

And lo and behold, Kim Jong-il concluded that he, and the North Koreans, wants American troops in South Korea. Surprise, surprise. Why? They don't want the vacuum filled by an Asian power if we leave. China doesn't want North Korea to have a nuclear capacity. It is not in their interest for that to occur.

Now, somebody tell me how we solve the problem of the proliferation of sophisticated nuclear weapons on the subcontinent of India, including Pakistan and India, as well as China, if we are not engaging China. I don't get this. From a strategic standpoint, I don't get how this is supposed to accomplish the strategic goal because my

friend from Tennessee and my friend from New Jersey parse out and make a clear distinction between the strategic objective of their amendment and the economic objective. They say they have no economic objective. Therefore, they are for free trade.

They don't want to scuttle the trade agreement. They say their interest is in the strategic problem of proliferation. I respectfully suggest that amendment is not going to, in any way, change China's proliferation instincts. What is going to change China's proliferation instincts will be a larger engagement with China on what is in our mutual interests—discussions about strategic doctrine, national missile defense, Japan, Korea, and Taiwan. That will effect relations with China, potentially, in a positive way.

Passing this amendment, as my friend from New York said in another venue when I was with him yesterday, will be the most serious foreign policy mistake we will have made in decades. I share his view. I realize it is well intended. My friend from Tennessee says no one has an answer as to how we are going to stop China. I don't have an answer, but I have a forum in which you do that. It is not in the trade bill. It is engaging them in their mutual interests and ours on the future of North Korea, and engaging them and making it clear to them that it is not in their interest to see India become a nuclear state with multiple nuclear warheads and hundreds, if not thousands, of ICBMs. This isn't the way to do it.

I thank my colleagues. I realize my time is up.

I yield the floor.

The PRESIDING OFFICER (Mr. BROWNBACK). Under the previous order, the Senator from Texas, Mrs. HUTCHISON, is recognized for 5 minutes.

Mrs. HUTCHISON. Mr. President, this is a very important vote. It is a very important issue. I have been a strong supporter of opening relations with China, of opening trade with China, not because China has been the kind of ally we would all hope it would be but because I have believed that having open trade relations with them would improve the relationship; that if we had some leverage in a trade relationship, we would be able to ask them and have some leverage for them to have fair trade, to recognize intellectual property rights, and to become a part of the community of nations.

But it seems to me we are saying we want free and open trade and nothing else should matter; that if we have free and open trade, we should not stand up for our national security interests. That is what I have been hearing on the floor now for 2 days. If we are going to engage China on issues such as North Korea and weapons proliferation to Iran and Iraq, as was proposed by the Senator from Delaware, how can we engage them if we say, by the vote today, it is not really a big issue to us, that weapons proliferation takes second place to trade?

For me, national security doesn't take second place to anything. I think it should be the position of the Senate that we are responsible for the national security of our country and that that is our most important responsibility. If we know China is sending its nuclear formulas to places such as North Korea, Iran, Iraq, and that that is going to put American citizens in direct harm's way and stop the balance of power between North and South Korea and make it heavily favoring North Korea, are we really going to stand by and say we will try to engage them when we have not spoken to them in any way when we had the chance to do it, as we do right now? I hope not.

It has been said that it will kill this bill if we add an amendment. I wasn't elected to the Senate to rubber stamp the House of Representatives. I wasn't elected by the people of Texas to rubber stamp the President. I was elected to the Senate to do what I think is right and to fulfill my responsibilities to the people I represent. National security is my No. 1 responsibility. If it kills a bill because the Senate adds an amendment and allows us to talk to the President about it and talk to the House of Representatives, then I think that is our role and our responsibility. I reject totally those who would say don't vote for this amendment; it is a killer amendment; it will kill the bill.

It will not kill the bill. We have brains. We know we might have to compromise in some way, but we want to be forceful that we are not going to allow China to spread nuclear weapons of mass destruction around the world, especially to rogue nations that would do our country wrong. We are not going to stand up and say today, I hope, that we are afraid to amend a bill because it might kill it. No, that is not why I was elected to the Senate. I was elected to the Senate to do what I think is right. I hope the Senate will speak very forcefully today that we can work with the House and with the President and we will pass free trade with China, with national security addressed. That is the issue.

I urge my colleagues to stand up for their people, as they were elected to do. Let's work this out and have a free and fair trade agreement that is good for both countries. Thank you.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, Senator GRAMM from Texas is recognized for up to 10 minutes.

Mr. GRAMM. Mr. President, I rise in strong opposition to the Thompson amendment. I oppose it because it is a bad amendment. Its logic is flawed. It would hurt America more than it would punish China. Let me try to explain why.

First of all, the Thompson amendment goes far beyond denying China access to American dual-use technology that could have defense applications. The Thompson amendment would take American capital markets and inject politics into them by denying access, for the first time, to a nation that is not engaged in a direct conflict with the United States of America, under our traditional definition of conflict.

Some people seem to have the idea that by adopting PNTR we will be having a marriage with China—that somehow, because we are endorsing normal trade relations with China, we would in effect be endorsing Chinese policies on how they treat their workers, how they protect religious freedom, how they protect the environment, and how they conduct their foreign policy. We are not doing any of those things.

Every criticism of China that has been made is valid. Senator THOMPSON talked earlier about not wanting to irritate the Chinese. I am perfectly willing to irritate the Chinese. But this legislation is about establishing normal trade relations—the same relations we have with virtually every country in the world except countries directly involved in terrorism—with China. We are not talking about a military alliance or a political marriage. We are talking only about normal trade relations.

The Thompson amendment to the PNTR bill would impose political controls on the American capital market with regard to China. Federal Reserve Chairman Greenspan says that the Thompson amendment's financial sanctions ''would undercut the viability of our own system and would harm us more than it would harm others.'' The Securities and Exchange Commission says the Thompson amendment is ''antithetical to the United States approach to capital market access and free movement of capital.'' The Securities Industry Association, which represents securities markets nationwide, says the Thompson amendment ''could seriously disrupt investor confidence in United States markets and jeopardize their continued vitality, debt and liquidity.''

Senator THOMPSON says he wants a vote on his amendment. I have no objection to Senator THOMPSON having a vote. But he doesn't want anybody else to have a vote on it. If we are going to consider major legislation like the Thompson amendment, as chairman of one of the committees with jurisdiction over major elements of that amendment I would like to have an opportunity to offer my own amendments to it. I know we can get carried away with amendments. And Senator THOMPSON makes a good point. Committees of jurisdiction aren't everything. But I think it is important that we get Alan Greenspan and other people who understand our financial markets to give us input before we take a major step like instituting controls on America's capital markets.

The capital markets and financial institutions controls in the Thompson legislation go against what we have been trying to achieve with the Chinese for many years. For years we negotiated with the Chinese to get them

to open their markets to American financial services companies. We want citizens in China to be able to own a piece of the rock and to invest in retirement accounts in America. Senator THOMPSON's amendment would set up a mechanism to deny them the very rights for which we negotiated so long and hard.

I am not here to endorse China's practices—far from it. I condemn their policies with regard to the environment, with regard to their workers, with regard to religious freedom, and with regard to proliferation. But that is not what we are talking about here. We are talking about establishing normal trade relations. And the key point is: Does anybody believe any one of these areas of concern will be better if we reject PNTR?

I remind my colleagues that in 1948 there were 23 countries that signed the agreement that founded the GATT, now called the WTO. Their common goal was to expand economic trade. One of those 23 countries was China. But one year later, China turned to the dark side. They wanted to remake their society. They wanted to build a ''ladder to heaven.'' They wanted to create equality, except for their political leaders. And they did it—they made everybody poor. Chinese per capita income nosedived. By 1978, Taiwan, which started with fewer economic resources, had a per capita income of $1,560 a year. China's was $188. Today, Taiwan has a $13,000 per capita income, while China's is just $790.

But the good news is that fifty-two years later, China wants to reverse the terrible decision she made back then, and re-enter the world of trade. China is turning away from the dark side. She is back knocking on the door. Now the question is, Are we going to slam the door in their face?

I say no. Trade promotes freedom. If you are concerned about workers rights in China, do you believe that workers will have more rights in a growing private sector, where they can work for somebody other than the Government? I don't see how you can help but believe that. And if you believe it, then you are going to be for normal trade relations with China. If you want political and religious freedom in China, then give people economic freedom, which ultimately promotes political freedom, as we have seen in Korea and in Taiwan. Developing economic growth in China, so that people have a stake in economic freedom, will ultimately produce a demand on their part for political freedom. And in the process they will begin to change China.

The Thompson amendment is legislation that needs dramatic changes. If we don't table this amendment, it is not going to be adopted. We are going to offer amendments to it. I would be perfectly happy to see this amendment brought up as a freestanding bill, but I want the opportunity to debate it and to amend it. Senator THOMPSON wants to have a vote on his legislation, but he doesn't want anybody else to have a vote on their amendments to his legislation. I think that is what ultimately brought us to where we are now.

There are security concerns with China. They need to be dealt with. But they cannot be dealt with within the context of PNTR, with a bill that has never been through a committee, that has never had a hearing on its impact, that has not been looked at it to see whether it makes sense. Will it do what we want it to do? Will it hurt us more than it hurts other people?

So I urge my colleagues to reject this amendment and to adopt normal trade relations with China. We are not endorsing China. We are trying to trade with them. We are trying to promote economic freedom because we know economic freedom not only enriches us and them, but ultimately produces an irresistible demand by people to have political freedom. When they have economic freedom, China will change.

This is a bad amendment. It is not ready to be adopted. I hope we table it. As I said, if we don't table it, we are going to amend it; and then we are going to be in a long debate about a subject that is relevant and important. But it is a subject that does not have to do with establishing normal trade relations with China, which is the point of the underlying legislation and which I support.

I will, therefore, vote to table this amendment. I urge my colleagues to do the same. I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, I ask unanimous consent that at the end of the list of speakers my name be placed next in order to speak not to exceed 15 minutes in opposition to the motion to table.

Mr. ROTH. Reserving the right to object, I must say we have agreed that we would have the vote at quarter of 2. If there is any time left that I have allotted, I will yield it. It looks to me as if I am not going to have any time.

Mr. BYRD. I wouldn't want to take away the Senator's time.

Mr. ROTH. I ask the distinguished Senator—I regret the situation has developed this way, but we have a number of Senators who are leaving so we have fixed a time for the vote specifically at quarter of 2.

Mr. BYRD. Mr. President, I didn't know anything about that agreement until I heard it put and accepted.

Mr. ROTH. I have to object to the request, with all due deference.

Mr. BYRD. I know the Senator regrets doing that.

Mr. ROTH. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from West Virginia.

Mr. BYRD. I will ask for a quorum before the vote that will take longer than 15 minutes. I am entitled to that.

Mr. ROTH. Parliamentary inquiry: Is that correct?

The PRESIDING OFFICER. A quorum call is in order before the vote.

Mr. ROTH. I ask the Senator from Tennessee to please proceed.

Mr. BYRD. Mr. President, I withdraw my request for the time being so the Senator may speak.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. THOMPSON. Mr. President, one brief comment and then I am going to yield 5 minutes of my time to the Senator from Ohio.

I say in response to Senator GRAMM, surely I did not hear the basic proposition that I would not do something for him on something else and therefore he is not going to do something for me? Surely I misunderstood that part.

The only other response I would have is at least the Senator from Texas interjected a new way to address this proliferation we are seeing coming from China. His response is trade with them and one day we will magically wake up and they will be dismantling their armaments; they will be quitting selling weapons of mass destruction to these rogue nations, and they will be happy and friendly. All we have to do is have more and more and more trade, and that will solve the proliferation problem.

When that happens, Mr. President, I will present the tooth fairy on the floor of this body.

With that, I yield 5 minutes to my friend from Ohio.

Mr. DEWINE. Mr. President, I rise in strong support of the Thompson-Torricelli amendment. This amendment will give us more of a chance to hold the People's Republic of China, or any nation, accountable for proliferating weapons of mass destruction and the means to deliver them.

This amendment would not have been necessary had this administration shown effective leadership in nonproliferation policy. When the administration sat down with China last year to negotiate an agreement on China's admission to the World Trade Organization, that was an extraordinary opportunity to discuss China's weapons proliferation practices. It was a once in a lifetime opportunity to insist that China change its ways on proliferation once and for all and advance the security of all nations.

That opportunity, sadly, was lost.

The bilateral agreement reached between China and the United States last November is the price China has to pay for our Nation to agree to PNTR and China's admission into the WTO. So the fundamental question is this: Have we imposed a high enough price on the Chinese Government? Sadly, I think the answer is clearly no.

Yes, the bilateral agreement arguably is a good economic document for both countries. However, it is by no means an acceptable document for our own national security. If we are going to sacrifice our annual review of normal trade relations with China, then our next President and the next Congress must have new tools in place to pursue our national security objectives.

It is that simple. And that is why we need to adopt the Thompson amendment.

As my colleagues know, China is a signator of the Nuclear Non-Proliferation Treaty. Article VI of that treaty states that nuclear powers are to:

> . . . pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date. . . .

No nation has violated that specific article in the NPT more egregiously, more openly, and more willingly in the last decade than the People's Republic of China. That is the truth.

In Asia and the Middle East, our Nation and China hold two fundamentally different visions of the future direction of these two regions. Right now, China has used its expertise in nuclear and missile technology to effectively advance their interests and destabilize the region.

For example, at the beginning of the last decade, Pakistan possessed a very modest nuclear weapons program inferior to India's.

That was then. Now the balance of nuclear power has shifted, and it is a far more different and far more dangerous region today.

In the Middle East, it is the same story. News reports have documented China's contributions to Iran's nuclear development, and ballistic and cruise missile programs, including anti-ship missiles that are a threat to our naval presence and commercial shipping in the Persian Gulf. And published news reports say a CIA report issued last month confirmed that Chinese Government multinationals are assisting the Libyan Government in building a more advanced missile program.

China certainly does not see our Government as a serious enforcer of nonproliferation policy—and why should they? As a result, weapons of mass destruction are in far more questionable hands and the world is a far more dangerous place.

The high priority China placed on WTO membership certainly presented our Government with an opportunity to reassert its nonproliferation credentials.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DEWINE. I ask for 1 additional minute.

The PRESIDING OFFICER. Is there objection?

Mr. ROTH. I object.

Mr. MOYNIHAN. I object.

The PRESIDING OFFICER. Objection is heard. Under the previous order, the Senator from Delaware is to be recognized.

Mr. THOMPSON. Mr. President, did I not have additional time?

Mr. ROTH. No, the vote is set for 1:45. But, we are trying to work this out.

The PRESIDING OFFICER. The vote was to occur at 1:45.

Mr. DEWINE addressed the Chair.

Mr. ROTH. I ask consent Senator BYRD now be recognized for up to 10 minutes and, following those remarks, I be recognized in order to make a motion to table.

The PRESIDING OFFICER. Is there objection? The Senator from Ohio.

Mr. DEWINE. Mr. President, I will certainly not object, but I just add to that, if I can have 2 additional minutes to finish my comments and we can then proceed?

Mr. ROTH. Unfortunately, we are in a very tight timeframe. I respectfully ask the Senator from Ohio to please comply. We must proceed. I have tried to satisfy everybody. I ask him not to proceed.

Mr. DEWINE. I certainly will not object to the request of the chairman of the committee. I have enough respect for my colleague, if that is what my colleague thinks is absolutely necessary to not object.

Mr. THOMPSON. Mr. President, we also had a unanimous consent for an additional, I think, 5 minutes that was allotted to me. I think the Senator from Ohio should be given at least an additional 2 minutes, if that is the case. I certainly agree Senator BYRD should be given some time. There is no reason why we cannot work this out.

Mr. ROTH. Let me say to the distinguished Senator, I am yielding my 5 minutes. I am not speaking.

Mr. THOMPSON. I am not speaking either, and I will yield the remainder of my time after the Senator from Ohio is finished. I will yield the remainder of any time I have.

Mr. ROTH. All right. We will let the Senator from Ohio have—what is it, 2 minutes?

Mr. THOMPSON. Yes.

The PRESIDING OFFICER. Is there objection to the modified request? Without objection, it is so ordered.

Mr. DEWINE. Mr. President, we can make up for this lost opportunity by passing this amendment. It is vitally important, I believe, that we do this and we move forward.

This amendment is not just about holding other nations accountable as proliferators, it is also about holding our President accountable as the world's principal nonproliferation enforcer.

With this amendment, Congress would receive a comprehensive report each year from the President about the proliferation practices of other nations. This report would require comprehensive information on proliferation practices, how these acts threaten our national security, and what actions are being taken by the President in response to these violations.

This reporting requirement will prevent future administrations from repeating the approach taken by the current administration, which ran and hid from our nonproliferation laws and responsibilities.

The amendment of the Senator from Tennessee would dramatically improve the PNTR legislation. I say this because PNTR is not just about trade—it is about U.S. foreign policy. We cannot let our trade policy with China supercede our national security policy. The lessons learned from the Cox Commission were clear: foreign policy and national security policy must drive trade policy and not the other way around.

I ask my colleagues: Have we asked enough of China? Has this administration done enough to advance our foreign affairs with China? I believe the answer to both is a resounding ''no.'' The Thompson-Torricelli amendment gives the Senate a chance to insist on more from China and more from this administration. If both China and future administrations are going to take this Senate seriously as a clear and strong voice in our national security policy, we should stand together to support this amendment.

I thank my colleagues, I thank my colleague from Tennessee, and I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I rise today to congratulate Senator FRED THOMPSON and Senator TORRICELLI. They are speaking the people's language. They are talking plain, commonsense. They are right in offering this amendment.

Senator THOMPSON is asking that we in this Senate pay attention to the national security concerns of this Nation, asking that we put national security ahead of greed. What is wrong with that? He is asking that we put the national security of the United States of America ahead of election-year politics.

What is the matter with this Senate? Can we not see the handwriting on the wall?

The proliferation of weapons of mass destruction—nuclear weapons, ballistic missiles, chemical weapons, biological weapons—is a growing menace to world stability. Can we not see that? The acquisition of nuclear weapons by such rogue nations as North Korea, Iran, and Iraq is the driving force behind the costly and complicated effort by the United States to deploy a national missile defense system. Can we not see that?

The proliferation of weapons of mass destruction is forcing the nations of the world, including the United States, to reevaluate their own national security and to confront once again the nightmarish possibility of nuclear war. Can we not see that?

The main perpetrators behind the spread of weapons of mass destruction are China, Russia, and North Korea. According to the Central Intelligence Agency, in a report to Congress released last month, this unholy trinity of proliferators were the key contributors to the pipeline of ballistic missile related supplies and assistance going into the Middle East, South Asia, and North Africa.

It seems ludicrous to me that we would even consider standing here and debating the merits of extending Permanent Normal Trade Relations status

to the People's Republic of China without addressing the issue of China's leading role in the proliferation of weapons of mass destruction. The Thompson-Torricelli amendment, of which I am a cosponsor, is essential to tightening our scrutiny of and control over the illegitimate trafficking in weapons of mass destruction by Chinese entities.

What weak dishwater is the excuse that we cannot add anything to the House-passed bill that would force a conference that might make some members of the House uncomfortable. What a sorry spectacle is a Senate completely cowed by the possibility that we might upset the Chinese if we add this provision.

What a travesty that the Secretary of Defense is reported to be calling Senators to oppose an amendment that puts the Chinese on notice about their egregious actions regarding the proliferation of weapons of mass destruction—weapons that threaten the safety of the planet.

I care nothing about a President's legacy if this is the price. I care nothing about profits for multinational companies if this is the price.

I took an oath to defend the Constitution of the Unites States against all enemies, foreign and domestic, and so did every other member of this body. Are we to tear up that oath for the election-year politics and greed?

Do we think that the American people are watching this debate with pride today? Do we think the American people are willing to auction off this Nation's security interests for the low bid of a Chinese promise to reduce tariffs?

China's string of broken promises is longer than its Great Wall.

We are talking here about the wanton export of nuclear weapons, of chemical weapons, of biological weapons and of long-range missiles. And what do we hear as a defense against addressing such dangerous and diabolical behavior? We hear the tepid, waterlogged response that such action we might take would endanger passage of this trade bill.

I have been in legislative bodies for 54 years, Mr. President. This is the first time I have ever seen anything such as this. When I was in the House of Delegates in West Virginia, I objected to being bound by a caucus, and I have never yet intended to be bound by any cabal or any commitment that, regardless of what the merits may be on a given amendment, we will vote against it. I have never seen that happen. I have never been one to believe in that approach.

I say to my friend from South Carolina, Senator HOLLINGS, the world's greatest deliberative body is quaking and wringing its hands over an amendment that would send a shot over the bow of the rogue elephant behavior of the Chinese.

We tremble at the thought of Chinese displeasure. Our lips quiver at the thought of displeasing big business or the president of the Chamber of Commerce or Cabinet members of the Clinton administration or the President himself as they dial for dollars and for votes. Those of us who refuse to roll over like good dogs just don't get it. We know that the fix is in on this fight, but we just keep slugging anyway. Maybe we will land a good punch or two if we fight on. Maybe the powers that be in China will notice there were some in the Senate who refused to legitimize China's outrageous disregard for the safety of the world by handing them the trophy of PNTR. Thank God for the likes of Senator PAUL WELLSTONE, Senator FRED THOMPSON, Senator FRITZ HOLLINGS, and Senator BOB TORRICELLI, and the 33 brave souls—33 brave souls, I want you to know—who dared to vote with me on a couple of modest amendments to this ill-advised trade bill. I thank them.

I believe the American people know what we are trying to do, and I believe they will put patriotism over pandering for profit any day.

I ask unanimous consent to print in the RECORD an item from the New York Times titled ''Wavering Senators Feeling Pressure on China Trade Bill.'' I will have more to say about that later.

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

[From the New York Times, Sept. 13, 2000]

WAVERING SENATORS FEELING PRESSURE ON CHINA TRADE BILL

(By Eric Schmitt)

WASHINGTON, SEPT. 12.—Corporate leaders and several of President Clinton's cabinet officers intensified pressure today on wavering senators to reject an amendment that could jeopardize passage this year of a trade bill with China.

As the Senate girds for a crucial vote on the measure this week, supporters of legislation to establish permanent normal trading relations with China are pressing for a bill free of amendments. Those supporters say there is not enough time before Election Day to reconcile an amended Senate bill with the version that the House passed in May.

At a White House meeting with Congressional leaders today, Mr. Clinton urged speedy approval of an unamended bill. The measure is one of his top remaining foreign policy goals and a necessary step for American companies to benefit fully from a deal reached last year by the United States and China that paves the way for China's entry into the World Trade Organization. That 135-member trade group sets rules for global commerce.

At issue is an amendment sponsored by Senators Fred Thompson, Republican of Tennessee, and Robert G. Torricelli, Democrat of New Jersey, that would impose sanctions on Chinese companies if they were caught exporting nuclear, chemical or biological weapons or long-range missiles.

Defense Secretary William S. Cohen; Treasury Secretary Lawrence H. Summers; Mr. Clinton's national security adviser, Samuel R. Berger; and the United States trade representative, Charlene Barshefsky, began telephoning senators today, arguing that the amendment would not only imperil the trade bill, but would also actually hamper American efforts to combat the spread of sophisticated weaponry.

Senate aides negotiated the timing of votes. Senators could take up Mr. Thompson's amendment on Wednesday or Thursday. Final passage of the overall bill, which has overwhelming support, could occur as early as Friday or as late as next Tuesday.

China will enter the W.T.O. no matter how the Senate votes. But without Congress's blessing, Beijing could withhold some of the trade benefits, including lower tariffs, from the American farmers and companies that it will extend to other members in the trade group.

Thomas J. Donohue, president of the United States Chamber of Commerce, warned of retribution against senators who support the Thompson-Torricelli measure.

''Should this vote get tangled up in the politics of nuclear proliferation and other amendments to the extent that it might not be passed,'' Mr. Donohue said, ''I think that would have a very serious political implication for those who were a party to that action.''

Senators easily dispatched several other amendments today, including those on prison labor and human rights in China, as well as subsidies from Beijing to Chinese companies. But on the floor and in news conferences, the focus was on the Thompson-Torricelli amendment. ''This is the vote on P.N.T.R.,'' Senator Max Baucus, Democrat of Montana said as he used the bill's abbreviation.

Senator Tom Daschle of South Dakota, the Democratic leader, stated that opponents ''have the votes to defeat Senator Thompson's amendment.''

Even Mr. Thompson acknowledged that he faced an uphill battle. ''We've always known it was going to be a tough vote,'' Mr. Thompson told reporters. ''A lot of people are saying they would like to vote for it. But since it is on P.N.T.R., they're afraid it will complicate P.N.T.R.''

Supporters said the measure was necessary to clamp down on Chinese exports of sophisticated weaponry to Iran, Libya, North Korea and Pakistan.

''What is especially troubling about the Chinese activities is that this sensitive assistance is going to the most dangerous nations in the most volatile areas of the world,'' said Mr. Torricelli.

Backers of the amendment scoffed at fears that amending the bill would doom the larger bill this year. ''To say we cannot amend a bill that has been passed by the House would be the height of irresponsibility,'' said Senator Kay Bailey Hutchison, Republican of Texas.

But amendment critics, including farm-state Republicans, said it was senseless to jeopardize a trade bill that would lower barriers to China's vast markets. ''Approval for this bill will keep the United States economically and diplomatically engaged with one-fifth of the world's population,'' said Senator Pat Roberts, Republican of Kansas. ''I cannot support a redundant and counterproductive amendment that would effectively kill this legislation.''

Mr. BYRD. Mr. President, I close by thanking Senator ROTH, Senator MOYNIHAN, and other Senators who have been so considerate and courteous. I yield the floor.

Mr. ROTH. Mr. President, I spoke at length about my opposition to the Thompson amendment on Monday. But I want to briefly reiterate that I believe this amendment, while well-intentioned, is seriously flawed. In particular, this legislation relies on unilateral sanctions that are too widely drawn and too loosely conceived to prove effective in countering proliferation. In a global economy, shutting off

Chinese and Russian access to American goods, agricultural and capital markets will not change Chinese or Russian behavior. Indeed, such actions would isolate the United States, not China, giving our competitors an open road to the world's biggest nation and fastest-growing market.

And make no mistake about it: though there have been changes to the bill to reduce the impact on farmers, virtually every member of the farming community—from the Alabama Farmers Federation to the National Chicken Council—has said in a letter that they are absolutely against the Thompson amendment. Moreover, for the first time, U.S. securities markets will be used as a sanctioning tool. That's why Alan Greenspan opposes this legislation.

The unilateral sanctions in this amendment are also indiscriminate in their application and could be applied to some of our closest allies, such as Germany, the United Kingdom, Italy, and France. Surely such actions will make future multilateral cooperation—which is absolutely essential to solving proliferation problems—far more difficult. Another problem with this amendment is that even though the President is theoretically able to waive sanctions, Congress gains the power to overturn the President's waiver through a procedure exactly the same as the counterproductive one we currently use in annually renewing normal trade relations with China.

In addition, the evidentiary standard used to trigger sanctions, one of ''credible information,'' is too low. Surely, critical national security actions should be based on a higher standard, especially when they are could very well be applied to our closest allies. It also appears that the Thompson amendment could have a disastrous effect on our Cooperative Threat Reduction Program—better known as the Nunn-Lugar Program—with Russia and Russian entities.

Section 4 of the Thompson amendment contains language that would ban Nunn-Lugar assistance to any Russian entity identified in the report required by the amendment of the President. And so this amendment could actually have the perverse effect of decreasing our ability to stem proliferation problems in Russia. The Thompson amendment also raises serious constitutional concerns. For example, Congress' disapproval of the President's determination could result in severe sanctions against persons for actions that were perfectly legal when taken. The ex post facto effect raises serious due process questions. The standard of proof, which could result in sanctions against individual U.S. citizens based on suspicions, rather than proof, raises separate due process concerns. The congressional disapproval procedures raise separation of powers problems. In reversing the President's determinations regarding sanctions, Congress will, in effect, implicitly be second-guessing the exercise of the President's prosecutorial discretion.

Proliferation is a matter of vital national interest. I applaud my friend from Tennessee for raising this issue, and I hope he will continue his work in this critical area next year, when I hope we can come to agreement on a measure that will gain the support of an overwhelming majority of this Chamber. But I must urge all my colleagues to join me in opposing the Thompson amendment.

Mr. President, I move to table the Thompson amendment No. 4132, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the motion. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA) and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. GREGG). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—65

Allard	Durbin	Lincoln
Baucus	Edwards	Lugar
Bayh	Enzi	Mack
Bennett	Feinstein	Miller
Biden	Fitzgerald	Moynihan
Bingaman	Graham	Murkowski
Bond	Gramm	Murray
Boxer	Grams	Nickles
Breaux	Grassley	Reed
Brownback	Hagel	Reid
Bryan	Harkin	Robb
Burns	Hatch	Roberts
Campbell	Inouye	Rockefeller
Chafee, L.	Jeffords	Roth
Cleland	Johnson	Schumer
Cochran	Kennedy	Smith (OR)
Craig	Kerrey	Stevens
Crapo	Kerry	Thomas
Daschle	Landrieu	Voinovich
Dodd	Lautenberg	Warner
Domenici	Leahy	Wyden
Dorgan	Levin	

NAYS—32

Abraham	Hollings	Sarbanes
Ashcroft	Hutchinson	Sessions
Bunning	Hutchison	Shelby
Byrd	Inhofe	Smith (NH)
Collins	Kohl	Snowe
Conrad	Kyl	Specter
DeWine	Lott	Thompson
Feingold	McCain	Thurmond
Frist	McConnell	Torricelli
Gregg	Mikulski	Wellstone
Helms	Santorum	

NOT VOTING—3

Akaka	Gorton	Lieberman

The motion was agreed to.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, parliamentary inquiry: I think under the order, my colleague and friend from North Carolina is to be recognized to offer an amendment at this juncture. I have had a brief discussion with my colleague from North Carolina. I don't know whether I need to ask unanimous consent to proceed for 5 minutes prior to Senator HELMS being recognized or not in order to achieve that result. May I inquire what is the parliamentary situation?

The PRESIDING OFFICER. Recognition of the Senator from North Carolina is to occur at 2:30. The Senator from Connecticut has the floor.

Mr. DODD. I thank the Chair.

Mrs. HUTCHISON. Will the Senator yield for a question?

Mr. DODD. I am happy to yield.

Mrs. HUTCHISON. Does the Senator from Connecticut need the full 10 minutes? I wanted to speak for a few minutes as in morning business if he didn't need it all.

Mr. DODD. If the Chair will inform the Senator from Connecticut when 8 minutes have transpired, I will leave a couple minutes for my friend from Texas.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I intended to offer these remarks prior to the consideration of the Thompson-Torricelli amendment, but time did not permit it. I am pleased with the outcome of the vote in this Chamber regarding the Thompson amendment. I do regret, in a sense, that we had to take the vote. I am concerned that the powers that be in the People's Republic of China, or elsewhere, may misread the vote as somehow rejection of our concern on the issue of nuclear proliferation. Nothing could be further from the truth. This vote that occurred is obviously one where most of us felt very deeply that the underlying agreement is of critical importance, as is the subject matter of the amendment offered by our friends and colleagues from Tennessee and New Jersey. But it is the strong view of many of us that this was an unrelated matter and the amendment, as drawn, was flawed in several respects.

Specifically, the amendment called for the imposition of unilateral sanctions against the People's Republic of China, Russia, and North Korea for past and prospective proliferation activities. Although the amendment did give the President the authority to waive these sanctions under certain circumstances, it also provides for the congressional challenge of the President's use of that authority under expedited procedures. Clearly, the issue the sponsors sought to address in this amendment is a deeply serious one, with significant national security and foreign policy implications.

I, for one, would not attempt to stand here and argue that the People's Republic of China, or North Korea, or Russia, or several other nations for that matter, have always steadfastly adhered to the international standards

set forth in the existing multilateral nonproliferation agreements and arms control regimes. Nor would I suggest that China does not have the same obligations that every other nation has to ensure that its exports of sensitive nuclear weapons-related technology to North Korea, Iran, Libya, and other states seeking to acquire such dangerous weapons capability cease to occur.

I do wonder, however, whether the underlying legislation is the appropriate place to be having a debate about an issue that is, after all, a global problem that goes well beyond our trade relations with one nation.

Nor is the is problem likely to be solved by our simply legislating sanctions against one country or another. This is a multilateral problem that isn't going to be contained without meaningful cooperation and the involvement of all nations with a stake in containing the spread of nuclear weapons and other weapons of mass destruction.

I am also fearful that whichever way the vote turned out—and in this case it was defeated—it will be misinterpreted by those who want to believe that the U.S., and specifically the U.S. Senate, does not care about the issue of nuclear proliferation, and therefore potential proliferators are free to do whatever they want.

I don't believe that is an accurate nor wise message to be sending. Nor do I think it serves to further international nuclear nonproliferation cooperation.

As to the specifics of the amendment just adopted, I am puzzled by how the sponsors have chosen to approach what is, after all, a global problem. They have chosen to single out three countries—China, Russia, and North Korea—for their participation in proliferation activities, while effectively ignoring similar actions taken by other smaller nations. The list is much larger than those three nations. Any action taken should be global in its focus.

I also don't understand why our existing nuclear nonproliferation laws don't provide at least what I believe for the time being sufficient authority to the President to respond accordingly to violations of international nonproliferation standards by China or any other potential exporter.

These laws include: the Arms Control and Disarmament Act, Arms Export Control Act, International Emergency Economic Powers Act, Export Administration Act, Chemical and Biological Weapons Control Elimination Act, Iran-Iraq Nonproliferation Act, Nuclear Proliferation Prevention Act, and the Iran Proliferation Act of 2000. These laws cover a full range of dangerous proliferation activities.

The mechanics of the amendment just rejected also gave me great pause. The low evidentiary standards in the amendment could automatically trigger a number of mandatory unilateral sanctions that would ultimately hurt, or could hurt, our foreign policy, economic, and technological interests. We must ensure that only those who traffic in arms are affected by those sanctions.

Proliferation is a very delicate and complex issue that affects our economic and foreign policy agendas. Ensuring the fullest cooperation of all the major participants in this sector is by its very nature a dynamic process with significant diplomatic ramifications. Attempting to legislate the mechanics of this effort is akin to attempting to perform brain surgery with a hacksaw, in my view.

China has problems—serious ones—with proliferation. Nobody here is going to claim that China is a benevolent democracy, and I am sure we all agree that there is much China must do to meet the standards we expect of civilized nations who are going to join the World Trade Organization. Yet, I also believe we should recognize that there has been some positive movement in this area.

Recent efforts at U.S. engagement have resulted in China joining a number of major multilateral arms control regimes in assisting us to defuse a nuclear crisis on the Korean peninsula, and in participating constructively in international efforts to contain the escalating arms race between India and Pakistan.

How can we build on that progress? Are we going to do it by denying China PNTR or mandating the imposition of unilateral sanctions? Surely, there has to be a better way to encourage additional cooperation from Chinese authorities in this area.

I respectfully suggest that the Thompson amendment should not be misinterpreted because, as important as it is, it would be misguided, in my view, to include it as was attempted in this particular legislation. There is a far greater chance that we are going to get the kind of cooperation as a result of China being a part of the World Trade Organization than isolating them further.

I hope we will have another opportunity to address the proliferation issue. It is one that needs to be addressed. This would have been the wrong place.

(The remarks of Mrs. HUTCHISON are located in today's RECORD under "Morning Business.")

The PRESIDING OFFICER. Under the previous order, the Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I ask unanimous consent that it be in order for me to deliver my remarks seated at my desk.

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

Mr. HELMS. I thank the Chair.

AMENDMENT NO. 4128

Mr. HELMS. Mr. President, during the course of the Senate's consideration of handing China the permanent most favored nation status—that is what it amounts to; just giving it to them—several of us have highlighted the abhorrent human rights record of the Communist Chinese Government.

China's practice of forcing its women citizens to submit to abortions and/or sterilization—usually both—is not only revolting; it is shameful, because it is a practice that has been repeatedly documented for 20 years now. In fact, the most recent State Department Human Rights Report on China contains a detailed account of the cruel, coercive measures used by Chinese officials, such as forced abortion, forced sterilization, and detention of those who even dare to resist this inhumane treatment.

My pending amendment proposes to put the Senate on record as condemning the Chinese dictatorship's barbaric treatment of its own people.

Although the Politburo of the Chinese Communist Party officially says—and I say absurdly says, and they say it—that forced abortion has no role in China's population control, it is, to the contrary, a known fact that the Chinese Government does indeed, absolutely, and without question, force women to submit to forced abortion and to sterilization. Communist Chinese authorities strictly enforce birth quotas imposed on its citizens. They pay rewards to informants tattling on the women for having more than one child while making certain that local population control officials using coercion are left absolutely unrestrained in the way they conduct themselves.

For example, I have in hand reports of this cruel situation from many Chinese citizens. I received this information in my capacity as chairman of the Senate Foreign Relations Committee. These citizens have witnessed firsthand countless episodes of this bloody cruelty. A defector from China's population control program testified before a House International Relations Committee hearing in June a couple of years ago that the Central Government policy in China strongly encourages local officials to use every conceivable coercive tactic in enforcing the one-child policy. They have described to me in person the results of women crying and begging for mercy simply because they were prepared to deliver a child.

Furthermore, Communist China's population control officials routinely punish women who have conceived a child without Government authorization. They subject the women to extreme psychological pressures, enormous fines which they can't possibly pay, along with the loss of their jobs, and with all sorts of other physical threats.

If women in China dare to resist the population control policy on religious grounds, they have to confront especially gruesome punishment. Amnesty International reported to us, and publicly, that Catholic women in two villages were subjected to torture, to sexual abuse, and to the detention of their relatives for daring to resist China's population program.

Very credible reports indicate that if ''these'' methods aren't enough to convince women in China to abide by the regime's population control program, forced abortions are carried out publicly in the very late stages of pregnancy.

I think it was back in 1994 when it began. Since that time, forced abortion has been used in Communist China not only to regulate the number of children born but under the policy known as the ''Natal and Health Care Law,'' pregnancies are terminated on a mandatory basis if a Government bureaucrat arbitrarily declares that an unborn child is defective. Nobody checks on him. He doesn't have to present any evidence. He just says the child is defective. That is it.

I believe it is common knowledge that I am a resolute defender of the sanctity of life. I have tried to do that ever since I have been a Senator, and prior to that time. But the pending amendment is not merely about life; it seems to me it is about liberty. Bureaucrats terrorizing women into unwanted abortions or medical operations permanently depriving them of their capability to have children, it seems to me, is the ultimate appalling affront to freedom.

My pending amendment urges the President to ask the Chinese Government to stop this ungodly practice. My amendment also calls on the President to urge the Chinese Government to stop putting Chinese women in jail whose crime is resisting abortion of a child or sterilization.

I think this is a modest measure. It doesn't condition PNTR on China's Government changing its abhorrent behavior. It simply asks the President of the United States to say to the Chinese that we want to defend the rights of women in China and ask the Chinese officials to see that that happens.

The question that comes to my mind is, Can the Senate proceed to award China with permanent trade privileges while refusing to express our revulsion at a basic violation of women's freedom?

The amendment I shall propose and call up in just a moment will not at all endanger passage of PNTR. We need not worry about that. I don't think PNTR ought to be approved at this time. But this amendment will not forbid or do any danger to the enactment of PNTR. It will simply be a matter of the Senate doing and saying the right thing before it happens.

AMENDMENT NO. 4128

(Purpose: To express the Sense of Congress regarding forced abortions in the People's Republic of China)

Mr. HELMS. Mr. President, I now call up amendment No. 4128.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 4128:

At the end of the bill, insert the following:

SEC. 702. SENSE OF CONGRESS REGARDING FORCED ABORTIONS IN CHINA.

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

(1) Forced abortion was rightly denounced as a crime against humanity by the Nuremberg War Crimes Tribunal.

(2) For more than 18 years there have been frequent, consistent, and credible reports of forced abortion and forced sterilization in the People's Republic of China. These reports indicate the following:

(A) Although it is the stated position of the politburo of the Chinese Communist Party that forced abortion has no role in the population control program, in fact the Communist Chinese Government encourages forced abortion and forced sterilization through a combination of strictly enforced birth quotas, rewards for informants, and impunity for local population control officials who engage in coercion.

(B) A recent defector from the population control program, testifying at a congressional hearing on June 10, 1998, made clear that central government policy in China strongly encourages local officials to use coercive methods.

(C) Population control officials of the People's Republic of China, in cooperation with employers and works unit officials, routinely monitor women's menstrual cycles and subject women who conceive without government authorization to extreme psychological pressure, to harsh economic sanctions, including unpayable fines and loss of employment, and often to physical punishment.

(D) Especially harsh punishments have been inflicted on those whose resistance is motivated by religion. According to a 1995 Amnesty International report, the Catholic inhabitants of 2 villages in Hebei Province were subjected to enforcement measures including torture, sexual abuse, and the detention of resisters' relatives as hostages.

(E) Forced abortions in Communist China often have taken place in the very late stages of pregnancy, including numerous examples of actual infanticide.

(F) Since 1994 forced abortion has been used in Communist China not only to regulate the number of children, but also to destroy those who are regarded as defective because of physical or mental disabilities in accordance with the official eugenic policy known as the ''Natal and Health Care Law''.

(3) According to every annual State Department Country Report on Human Rights Practices for the People's Republic of China since 1983, Chinese officials have used coercive measures such as forced abortion, forced sterilization, and detention of resisters.

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

(1) the President should urge the People's Republic of China to cease its forced abortion and forced sterilization policies and practices; and

(2) the President should urge the People's Republic of China to cease its detention of those who resist abortion or sterilization.

Mr. HELMS. I thank the clerk. I thank the Chair.

I ask for the yeas and nays. I don't believe I will be able to get them at this moment.

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. HELMS. 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. HELMS. Mr. President, I simply want to inquire about how much time I have remaining on my side.

The PRESIDING OFFICER. The Senator has 21 minutes.

Mr. HELMS. I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The Senator from Delaware.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. 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. HELMS. Mr. President, I ask unanimous consent it be in order for me to request and to receive a rollcall on the pending amendment.

Mr. ROTH. Reserving the right to object, I think the hope is that we will set the vote aside and have several votes later.

Mr. HELMS. Do I have the floor?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. HELMS. I say to the distinguished chairman that I am aware of that and I favor it. However, I do want to get the yeas and nays on my amendment. The scheduling of a whole series of amendments suits me just fine.

Mr. ROTH. We join the Senator in asking for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise in opposition to this amendment. China's record on family planning and its use of forced abortion is indefensible. The country's policy violates the most fundamental human rights. That is why the United States does not contribute funds directly or indirectly to China's family planning programs.

My good friend and distinguished colleague from North Carolina is to be commended for bringing the matter of Chinese forced abortions to our attention. I do not oppose his amendment on its merits. I only oppose it as an amendment to H.R. 4444.

As I said, if PNTR is amended, a conference and another round of votes on H.R. 4444 will be necessary, likely destroying any chance for PNTR. Therefore, I must ask that my colleagues join me in voting against this amendment.

The PRESIDING OFFICER. If no one yields time, time will be equally charged on both sides.

Mr. HELMS. Mr. President, we have a Senator on the way to the Chamber to speak on the pending amendment. I suggest, to save time, the pending amendment be laid aside temporarily so I can call up a second amendment.

The PRESIDING OFFICER. Is the Senator making a unanimous consent request?

Mr. HELMS. Mr. President, I ask unanimous consent—and I hope everyone will agree to the unanimous consent—to lay aside the pending amendment.

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

Mr. HELMS. Mr. President, I wish to renew my request that it be in order for me to be seated during the presentation of my remarks.

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

AMENDMENT NO. 4123

(Purpose: To require the Secretary of Commerce to consult with leaders of American businesses to encourage them to adopt a code of conduct for doing business in the People's Republic of China)

Mr. HELMS. Mr. President, I call up amendment No. 4123 and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS], proposes an amendment numbered 4123.

At the end of the bill, insert the following:

SEC. ___. CODE OF CONDUCT FOR BUSINESSES.

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

(1) The Chief Executive of Viacom media corporation told the Fortune Global Forum, a gathering of hundreds of corporate leaders in Shanghai to celebrate the 50th anniversary of communism in China in September 1999, that Western media groups ''should avoid being unnecessarily offensive to the Chinese government. We want to do business. We cannot succeed in China without being a friend of the Chinese people and the Chinese government.''.

(2) The owner of Fox and Star TV networks has gained favor with the Chinese leadership in part by dropping programming and publishing deals that offend the Communist Government of China, including the book by the last British Governor of Hong Kong.

(3) The Chief Executive of Time Warner, which owns the Fortune company that organized the Global Forum, called Jiang Zemin his ''good friend'' as he introduced Jiang to make the keynote speech at the conference. Jiang went on to threaten force against Taiwan and to warn that comments by the West on China's abysmal human rights record were not welcome.

(4) The Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at the Global Forum that one Chinese official described his remarks as ''not realistic''.

(5) The founder of Cable News Network, one of the world's richest men, told the Global Forum that ''I am a socialist at heart.''.

(6) During the Global Forum, Chinese leaders banned an issue of Time magazine (owned by Time-Warner, the host of the Global Forum) marking the 50th anniversary of communism in China, because the issue included commentaries by dissidents Wei Jingsheng, Wang Dan, and the Dalai Lama. China also blocked the web sites of Time Warner's Fortune magazine and CNN.

(7) Chinese officials denied Fortune the right to invite Chinese participants to the Global Forum and instead padded the guest list with managers of state-run firms.

(8) At the forum banquet, Chinese Premier Zhu Rongji lashed out at the United States for defending Taiwan.

(9) On June 5, 2000, China's number two phone company, Unicom, broke an agreement with the Qualcomm Corporation by confirming that it will not use mobile-phone technology designed by Qualcomm for at least 3 years, causing a sharp sell off of the United States company's stock.

(10) When the Taiwanese pop singer Ah-mei, who appeared in advertisements for Sprite in China, agreed to sing Taiwan's national anthem at Taiwan's May 20, 2000, presidential inauguration, Chinese authorities immediately notified the Coca-Cola company that its Ah-mei Sprite ads would be banned.

(11) The company's director of media relations said that the Coca-Cola Company was ''unhappy'' about the ban, but ''as a local business, would respect the authority of local regulators and we will abide by their decisions''.

(12) In 1998, Apple Computer voluntarily removed images of the Dalai Lama from its ''Think Different'' ads in Hong Kong, stating at the time that ''where there are political sensitivities, we did not want to offend anyone''.

(13) In 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information deemed unacceptable to the Communist government.

(b) SENSE OF SENATE.—It is the sense of Senate that in order for the presence of United States businesses to truly foster political liberalization in China, those businesses must conduct themselves in a manner that reflects basic American values of democracy, individual liberty, and justice.

(c) CONSULTATION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Commerce shall consult with American businesses that do business in, have significant trade with, or invest in the People's Republic of China, to encourage the businesses to adopt a voluntary code of conduct that—

(1) follows internationally recognized human rights principles, including freedom of expression and democratic governance;

(2) ensures that the employment of Chinese citizens is not discriminatory in terms of sex, ethnic origin, or political belief;

(3) ensures that no convict, forced, or indentured labor is knowingly used;

(4) supports the principle of a free market economy and ownership of private property;

(5) recognizes the rights of workers to freely organize and bargain collectively; and

(6) discourages mandatory political indoctrination on business premises.

Mr. HELMS. Mr. President, the pending amendment proposes that the Secretary of Commerce be requested to consult with American businesses on drafting and adopting a voluntary code of conduct for doing business in China. Such a voluntary code of conduct would follow internationally recognized human rights, work against discrimination and forced labor, support the principles of free enterprise and the rights of workers to organize, and discourage mandatory political indoctrination in the workplace.

The purpose of this amendment is this: So often in this debate, the argument has been advanced that only by exposing the Chinese Government and the Chinese people to our values through expanded trade and investment can we hope to bring about political change in China, and the only way we can help that desired achievement is to do as the amendment proposes.

I have always been skeptical about this because businesses are not in the business of expanding democracy. I am not going to comment on what the businesses support in PNTR and the way it is being supported. Be that as it may, businesses exist, quite frankly, to make money. I certainly have no problem with that. But let's be honest on the process of what we are doing here in this Senate Chamber. American businesses, even if viewed in the most charitable light, are not likely to lift a finger to promote democracy in China. Unfortunately, it is difficult to view some of the American businesses charitably when we examine their attitude toward China. If I step on some toes here, I am sorry, but I believe I must have my say for the benefit of the Senate.

The powerful lure of potential huge Chinese markets has obviously clouded the judgment of some of our top companies and some of their executives. With regret, I have concluded that some of America's top businesses have been willing to supplicate to the Communist Government of China, hoping that the Chinese Government will allow them someday to make a profit there.

I want the Senate to consider the following statements and actions by American businesses in China, which are stated as findings in the pending amendment:

No. 1, the chief executive of Viacom media corporation told the Fortune Global Forum, a September 1999 gathering of hundreds of corporate leaders in Shanghai gathered to celebrate—get this—the 50th anniversary of communism in China—They gathered to celebrate the fact that western media groups, ''should avoid being unnecessarily offensive to the Chinese Government.''

No. 2, the owner of Fox and Star TV networks has repeatedly gained favor with the Chinese leadership by dropping programming and publishing deals that offend the Communist Government of China, including a book written by the last British Governor of Hong Kong.

No. 3, the Chief Executive of American International Group was reported to be so effusive in his praise of China's economic progress at this global forum that one Communist Chinese official described the remarks as ''not realistic.''

No. 4, the founder of CNN, one of the world's wealthiest men, proudly told the global forum, ''I am a socialist at heart.''

No. 5, in 1998, Apple Computer voluntarily removed images of the Dalai Lama from its ''Think Different'' ads in Hong Kong, stating at the time,

''Where there are political sensitivities, we did not want to offend anyone.''

No. 7, in 1997, the Massachusetts-based Internet firm, Prodigy, landed an investment contract in China by agreeing to comply with China's Internet rules which provide for censoring any political information—now get this—''deemed unacceptable to the Communist government.''

I am forced to wonder if some of our business leaders understand what they are doing when they make such statements and make such decisions. Obviously, they are trying to curry favor with the Communist Government of China in which they aim to do business. But isn't there a limit to what they would do to accomplish what they seek? To say things that are so clearly untrue, or to agree to self-censorship when some of them are in the media business, it seems to me, undermines the ultimate goal of these companies—their higher profits—by legitimizing a Communist government that manifestly does not even believe in the free enterprise system.

In any event, some U.S. businesses certainly did not seem to get a very good return on their investment of goodwill. Just consider how the Chinese Government repaid Time-Warner, for example. At the very moment that Time-Warner was sponsoring a conference in Shanghai for American business leaders to celebrate the 50th anniversary of Chinese communism, Chinese leaders banned the then-current issue of Time magazine, which is owned, of course, by Time-Warner. They removed it from the Chinese news stands—because of what? Because that issue happened to include commentaries by some Chinese dissidents and by the Dalai Lama. Then China blocked the web sites of Time Warner's Fortune magazine, as well as CNN, the founder of which is a self-described socialist. I didn't say it; he said it.

Chinese officials denied the conference organizers the right to invite certain Chinese participants to the forum. Instead, the Chinese leaders padded the guest list with managers of—what? Chinese-run firms.

That is the way they do business over there. That is the crowd that everybody in this country seems to be clamoring to bow and scrape to.

I have to say this for the Chinese leaders: at least they stood up at the banquet at the conclusion of the conference and harshly lashed out at the United States for daring to speak about human rights while in Communist China, and for defending democratic Taiwan, of course.

So I wonder if our corporate executives woke up the next morning feeling a little bit underappreciated. But even if they did not, one thing is for certain. This type of attitude and conduct by American businessmen will never, never, never promote democracy in China, let alone participate in causing it to come about. If the presence of American businesses truly purports to aid in bringing democracy to China, then those businesses, it seems to me, must conduct themselves in a manner reflecting basic American values—such as individual liberty and free expression and free enterprise.

That is what the pending amendment's voluntary—and I repeat voluntary—code of conduct calls for. Of course, I realize that some American firms have already adopted their own ethical rules and codes for international business, but they generally are limited, narrow business practices, don't you see, and certainly have not prevented the sort of kowtowing to China's ruling Communists whom I have just described.

The point is this, and I will conclude. I fail to see any reason on the face of the Earth why the Senate should not take this step at least before concluding that trade will automatically bring democracy to Communist China.

Mr. President, before I yield the floor, let me request, by the same method as previously, that I be granted the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. CRAPO). The Senator from New Hampshire.

AMENDMENT NO. 4128

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent to return to the Helms amendment No. 4128.

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

Mr. SMITH of New Hampshire. Mr. President, how much time is remaining on the amendment—on Senator HELMS' time?

The PRESIDING OFFICER. The Senator from North Carolina retains 20 minutes.

Mr. SMITH of New Hampshire. Mr. President, I ask the Senator from North Carolina, if he desires to finish the debate on this, please interrupt me and I will be happy to yield to him.

Mr. HELMS. Inasmuch as the Chair has yielded me the right to comment from my seat at my desk, let me say I yield all the time to the Senator that he requires.

The PRESIDING OFFICER. The Senator is recognized.

Mr. SMITH of New Hampshire. Mr. President, let me take the opportunity to say again publicly on this floor to the Senator from North Carolina what an honor it is to serve with him and to know him as a friend. He is one of the finest people I have ever met in my life. I don't say that lightly. There are a lot of people, especially the unborn children of this world, who know who has been carrying the torch here for children who cannot speak for themselves in the womb. They owe you a lot. We owe you a lot. I am proud to be here in the Senate with you.

Mr. HELMS. I thank the Senator.

Mr. SMITH of New Hampshire. Mr. President, I am proud to stand in support of the Helms amendment. On August 24 of this year, publications all around the world ran headlines very similar to this:

Chinese kill baby to enforce birth rule.

The article went on to describe how five Chinese Government officials intruded into the home of a woman who had given birth against the state's oppressive ''one child'' policy. They waited in her living room until she returned from the hospital. When she arrived, the officials ripped the baby boy from her arms where—to the horror of his mother and onlookers—they walked outside to a rice paddy and drowned the child in front of his parents' eyes.

A wave of anger obviously enveloped this small township in the following hours of the child's murder. However, this is China. Villagers are kept from speaking out against this atrocity, and they find themselves in a terrible state of unified silence as a fear of retribution, harm, or even death for their own families settles upon them.

This is the China to which we are giving permanent trade status with this bill. I find it unbelievable that we cannot get these kinds of human rights atrocities addressed in this permanent normal trade relations bill for China. We are saying this is fine, we will ignore it, not talk about it, as long as we can sell them wheat, corn, whatever, and make money. So we can ignore this.

I am the first to admit we cannot intrude, unfortunately, into the policies of the Government of China, but we can make known these policies to the world and we can say as a nation, supposedly the moral leader of the world, that this is wrong.

I am proud of Senator HELMS for bringing this to the attention of the Senate during this debate, and I cannot understand, for the life of me, why we cannot allow simple sense-of-the-Senate language to this permanent normal trade relations bill in an effort to stop this horrible, barbaric behavior.

The Helms amendment simply expresses the sense of Congress that, one, Congress should urge China to cease its forced abortion and forced sterilization policies, and two, the President should urge China to cease its detention of those who resist abortion and sterilization. It is a good amendment. There is nothing wrong with this amendment. It is fair and it is reasonable.

In addition, I also believe that Chinese women should have the right to choose. It is interesting, those who have been the strongest proponents of abortion in this Chamber—when it comes to a Chinese woman's right to say, ''I want to have my child,'' the silence is deafening. When a woman says, ''I have the right to choose to have an abortion,'' they are out here in full force. A little inconsistency?

The point is, a Chinese woman is told, in spite of the fact she wants to

have her child, that she cannot, and not only can she not have it, it is aborted forcefully.

I had constituents, a young couple, a few months ago come to me. They were both Chinese. They had been visiting America. She was about 5 or 6 months pregnant and was told if she went back to China the child was going to be aborted. I turned all hands on deck to get that case resolved so they did not have to go back, and she did not go back. She had that child, now an American citizen, born in freedom, but that child would have been aborted in China against the wishes of the mother. We cannot even get this issue addressed with sense-of-the-Senate language before we pass on the fast track permanent normal trade relations.

There is so much talk about choice, but the choice only runs one way—when one is talking about the woman's ''right'' to an abortion. When it comes to the right to choose to have her baby, silence.

It is a stated position of the Chinese Communist Party that forced abortion and forced sterilization have no role in the population control program. In fact, the Chinese Communist Government encourages both forced abortion and forced sterilization. I emphasize ''forced.'' They accomplish this through a combination of strictly enforced birth quotas and immunity for local population control officials who use coercion to force abortion.

Nobody really knows for sure how many women undergo these abortions. We do not exactly have a population count on that score. Most women are afraid to report. The numbers are kept secret.

According to Harry Wu, the director of the Laogai Research Foundation, who once lived in China and now monitors and writes about his native homeland, the city of Janjiang alone experienced 1,141 forced abortions in one 9-month period in 1997. Those were women who wanted to have their children and were forced to have an abortion.

One can imagine the horror of the woman who has to go through that. I say with the greatest respect for those who disagree with the issue, where are you today? If you are for a woman's right to choose to have an abortion, why can you not be for a woman's right not to have one? Why the silence? Where are the votes on this amendment?

I want to spend the next minute or two telling about one brave woman who dared to come out of Red China to talk about this so-called planned birth policy. Her name is Ms. Gao. She testified before the House Subcommittee on International Operations and Human Rights a couple of years ago. According to Ms. Gao, in order to successfully carry out the policy, precise records of the women in her province were compiled, noting their names, births, marriages, pregnancies, reproductive cycles—all sorts of information.

Women who met the planned birth committee's criteria were then issued a ''birth allowance,'' while those women who did not meet the criteria were given ''birth not allowed'' notices.

This is the country to which we are giving permanent normal trade relations. Senator HELMS is not forcing us to do anything except to put this language in the bill as a sense of the Senate that alerts the world to this practice. That is all he is asking. We are told if we support Senator HELMS, we are going to delay the passage of the bill. So? Permanent is permanent. What are a few more days, hours, minutes? I venture to say, if we sent this back to the House with the Helms language in it, it would take the House about 5 minutes to approve it, and that would be the end of it.

What they are really afraid of is offending the Chinese—that is what this is about—because we do not want to lose the sales of our agricultural products. Sales of agricultural products are more important than the lives of children who are forcibly killed in front of their parents. If a woman is found to be pregnant and does not possess a birth-allowed certificate, she is immediately given an abortion, no matter how far along the pregnancy is. I repeat—no matter how far along the pregnancy is.

Enforcement is a crucial component of China's planned parenthood policies. Mandatory medical inspections for women of childbearing age is required. One can imagine the secrecy, trying to hide the fact you are pregnant if you want to have the child, maybe even keeping it from your own family, certainly friends, relatives, for fear you are going to be turned in to Big Brother, Communist China Government. Those who fail to undertake these medical examinations at the preordained time face jail and monetary fines.

Night raids to apprehend women in violation of state policy are frequent. Where are the proponents of women's rights on this debate? Why are they not standing with Senator HELMS?

If the Chinese Government cannot locate the woman, they will detain her husband or her parent or anyone in her family until she comes forward and surrenders to have that abortion.

This is happening in China. Let's not kid ourselves. Let's not pretend it does not happen. It is happening in China.

I want to read from Ms. Gao's testimony in 1998. It is pretty compelling, and it is not pleasant. She said:

> Once I found a woman who was 9 months pregnant but did not have her birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, I saw how the aborted child's lips were sucking, how its limbs were stretching. A physician injected poison into its skull, and the child died and was thrown into a trash can. To help a tyrant do evils was not what I wanted . . . I could not live with this on my conscience. I, too, after all, am a mother.

She goes on to say:

> All of those 14 years, I was a monster in the daytime, injuring others—and killing babies—by the Chinese communist authorities' barbaric planned-birth policy, but in the evening, I was like all other women and mothers, enjoying my life with my children. I could not live such a dual life anymore. Here, to all those injured women, to all those children who were killed, I want to repent and say sincerely that I'm sorry! I want to be a real human being. It is also my sincere hope that what I describe here today can lead you to give your attention to this issue, so that you can extend your arms to save China's women and children.

Senator HELMS has fulfilled that lady's expectations by bringing this to the attention of the Senate, the American people, and the world, on behalf of China's women and children.

What is a real shame is, what the Senator is asking here will be rejected as we vote no.

Finally, Ms. Mao stated:

> My conscience was always gnawing at my heart.

You see, because the official religion of the Chinese Government is atheism, as it is with all Communist regimes, their policies and officials do not have to answer to any higher power except to the state. There is no sense of morality behind their Government's decisionmaking process.

But let me ask a very poignant question. Is there a sense of our morality to ignore it? What does it say about our morality to say we will sell corn and wheat and make a profit and ignore this? Why not say: Stop this and we will sell you the corn and the wheat? Isn't that better? Aren't we supposed to be the moral leader?

When God is absent, human life is invaluable, isn't it? It does not have much meaning because we are children under God. If you do not believe that, then life has no meaning other than how it exists here on this Earth.

That is why you have forced abortions. That is why you have persecution. That is why you have guns pointed at students' heads. That is why you have tanks poised to run over protesters.

That is why you have harvested organs. I talked about that this morning in my amendment, I say to Senator HELMS, which got 29 votes, including the Senator's, for which I am very grateful. They also do that. That is another issue. China harvests organs—not from willing donors—from prisoners who sometimes do nothing more than protest against the state. They are executed by being shot in the head, and then organs are taken and sold for $30,000 apiece for a kidney, and the money is given to the Chinese military.

We lost on that amendment, I say to Senator HELMS, by a vote of 60-something to 29. What does that say? That we are unwilling to send this back to the House for 5 or 10 minutes in conference and pass it?

That is why I am strongly supporting this amendment by Senator HELMS. I am proud to support this amendment. I am proud to stand here on the floor of the Senate and say that this is wrong.

Sometimes you have to say things whether you win the debate or not. Sometimes it does not matter whether you win the debate or not; it is just having the debate that matters.

His amendment would encourage the Chinese Government to stop this atrocity, to stop this barbaric act, to stop forcing abortion on unborn children and forcing women to have those abortions.

It is not unreasonable to ask my colleagues to support this amendment which is vital to human rights in China. It is vital to the rights of a woman and it is vital to the rights of a child.

Mr. President, I ask unanimous consent to have printed in the RECORD the remarks from Harry Wu on forced abortions in China.

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

FORCED ABORTION AND STERILIZATION IN CHINA—THE VIEW FROM INSIDE

A BURGEONING POPULATION

It has been over twenty years since the People's Republic of China, which has 22% of the world's population, began implementing its population-control policy, or planned birth policy in mainland China. In the years following the 1949 victory of the Communist Party in the PRC, Communist leader Mao Zedong promoted population growth, regarding a large population as an asset for both production and security. In the most recent decades, as the focus of the Chinese government has shifted towards economic development, the Communist government has taken to blaming the cultural traditions of its own people for the population explosion. The need to promote growth and combat the traditions of large families became justifications for one of the most barbaric abuses of government power ever revealed: the infamous ''one child'' policy.

Since 1979 when the population-control policy was first implemented, it has been a top-down system of control: the central government establishes general policy guidelines, and local governments institute and enforce specific directives and regulations to meet these guidelines. In addition to the original one-child policy itself, the Marriage Law of 1980 requires the practice of family planning. The law encourages the policy of late marriage and late birth, and sets the minimum marriage age at 22 years of age for men and 20 years of age for women. Provincial regulations enacted in the eighties established artificial quotas, which planned birth cadres were to enforce strictly. Leaders in Jiangxi, Yunnan, Fujian, and Shaanxi provinces, for example, received orders to strictly limit the number of births in excess of their authorized targets by forcing women to have abortions, euphemistically referred to as ''taking remedial measures.''

In May of 1991, the Chinese Communist Party Central Committee enacted the ''Decision to Intensify Planned-Birth Work and Strictly Control Population Growth.'' This policy paper contains provisions suggesting the use of IUD's, sterilization, and pregnancy termination in some circumstances. In all, the policy aims to create a greater uniformity between central and provincial family planning and laws. While there have been alternate tightenings and relaxations of the policy, evidence brought to light at the June 10, 1998 hearing before the House Subcommittee and International Operations and Human Rights revealed that the coercive practices first implemented in the eighties persist to this day. Never before has this system been exposed to the world in its entirely. In fact, up until this point, the Chinese government has been internationally applauded for its effective population control efforts. The Chinese government has always insisted that it uses only voluntary methods for controlling the amount of children born into Chinese families. Unfortunately, the evidence repeatedly contradicts this empty assertion.

CHINA'S POPULATION POLICY EXPOSED

Gao Xiao Duan, a former cadre in a planned-birth office in Yonghe Town in Fujian Province, testified before the House of Representatives Subcommittee on International Operations and Human Rights on June 10, 1998, and exposed the system of oppression before a packed hearing room. Gao, still Chinese citizen, was employed as an administrator at the Yonghe town planned-birth, where her job was to ''work out and implement concrete measures pursuant to the documents of the Central Committee of the Chinese Communist Party, and the State Council on planned-birth.'' In other words, she was to carry out the dictates of the communist regime in accordance with the ''One child'' policy. Her day-to-day duties were as follows:

To establish a computer data bank of all women of child-bearing age in the town (10,000+ women), including their dates of birth, marriages, children, contraceptive ring insertions, pregnancies, abortions, child-bearing capabilities, menstruation schedule, etc.

To issue ''birth allowance'' certificates to women who met the policy and regulations of the central and provincial planned-birth committees, and are therefore allowed to give birth to children. Without this certificate, women are not allowed to give birth to children. Should a woman be found to be pregnant without a certificate, abortion surgery is performed immediately, regardless of how many months she is pregnant.

To issue ''birth-not-allowed notices.'' Such notices are sent to couples when the data concludes that they do not meet the requirements of the policy, and are therefore not allowed to give birth. Such notices are made public, and the purpose of this is to make it know to everyone that the couple is in violation of the policy, therefore facilitating supervision of the couple.

To issue ''birth control measures implementation notices.'' According to their specific data, every woman of child-bearing age is notified that she has to have contraceptive device reliability and pregnancy examinations when necessary. Should she fail to present herself in a timely manner for these examinations, she will not only be forced to pay a monetary penalty, but the supervision team will apprehend her and force her to have such examinations.

To impose monetary penalties on those who violate the provincial regulations. Should they refuse to pay these penalties, the supervision team members will apprehend and detail them as long as they do not pay.

To supervise ''go-to-the-countryside cadres.'' The municipal planned-birth committee often sends cadres from other areas to villages, for fear that local cadres could cooperate with villagers, or that a local backlash would develop against the cadres who conscientiously carry out their duties.

To write monthly ''synopses of planned-birth reports,'' which are signed by the town head and the town communist party, and then are submitted to the municipal people's government and the communist party committee. They wait for cadres for superior government organs to check their work at any time.

To analyze informant materials submitted in accordance with the ''informing system,'' and then put these cases on file for investigation. Some materials are not conclusive, but planned-birth cadres are responsible for their villages, and to avoid being punished by their superiors and to receive the bonuses promised for meeting planned-birth goals. The cadres are under tremendous pressure from the central and provisional regulations to carry out the policy. Even if the cadres brutally infringe on human rights, there has never been evidence of cadres being punished for their actions.

Whenever the planned-birth office calls for organizing ''planned-birth supervision teams,'' the town head and communist party committee secretary will immediately order all organizations—public security, court, finance, economy—to select cadres and organize them into teams. They are then sent to villages, either for routine door-to-door checking or for punishing of local violators. Supervision teams are makeshift, and to avoid leaks, cadres do not know the village to which they will be sent until the last minute. Planned-birth supervision teams usually exercise night raids, encircling suspected households with lighting speed. Should they fail to apprehend a woman violator, they may take her husband, brother(s), or parent(s) in lieu of the woman herself, and detain them in the planned-birth office's detention room until the woman surrenders. They then would perform a sterilization or abortion surgery on the woman violator.

Gao also outlined several policies that are carried out in the wake of ''planned-birth supervision''.

House dismantling. No document explicitly allows dismantling of a violator's house. To the best of her knowledge, however, this practice not only exits in Fujian Province, but in rural areas of other provinces as well.

Apprehending and detaining violators. Most planned-birth offices in Fujian Province's rural areas have their own detention facilities. In her town, the facility is right next door to her office. It has one room for males and one room for females, each with a capacity of about 25–30 people. To arrest and detain violators, the planned-birth office does not need any consent by judicial or public security institutions, because their actions are independent of those organizations.

Detainees pay Y8.00 per day for food. They are not allowed to make phone calls, or to mail letters. The majority of detainees are, of course, either women who are pregnant without ''birth allowance certificates,'' women who are to be sterilized, or women who have been slapped with monetary penalties. As stated previously, if they do not apprehend the women themselves, they detain their family members until the women agree to the sterilization and abortion surgeries.

Sterilization. The proportion of women sterilized after giving birth is extraordinarily high. Sterilization can be replaced with a ''joint pledge,'' with 5 guarantors jointly pledging that the woman in case shall not be pregnant again. Much of the time, however, this kind of arrangement is impossible, because five people are unlikely to be willing to take on the liability of having to guarantee that a woman will not become pregnant. It is important to remember that if she does, by some chance, become pregnant, they are responsible for her actions, too.

Abortion. According to government regulations, abortion for a pregnancy under 3 months is deemed ''artificial abortion,'' and if the pregnancy exceeds three months, it is

called ''induced delivery.'' In her town, an average of 10–15 abortion surgeries are performed monthly, and of those surgeries, one third are for pregnancies exceeding 3 months.

Every month her town prepares a report, the ''synopsis of planned-birth report.'' It enumerates in great detail the amount of births, issuing of birth-allowed certificates, and implementation of birth-control measures in Yonghe Town; Following its completion, it is submitted to the planned-birth committee. For instance, in January–September 1996, of all the women of child bearing age with 1 child, 1,633 underwent device-insertion surgeries, or underwent subcutaneous-device-insertion surgeries, and 207 underwent sterilization surgeries; of women of child-bearing age with 2 children, 3,889 underwent sterilization surgeries, 167 underwent device-insertion surgeries, and 10 took birth-control medications (among the group with 2 children, of the 186 women who had 2 daughters, 170 were sterilized). In January–September 1996, a total of 757 surgeries in five categories were performed. They included: 256 sterilization surgeries (35 for two daughters), 386 device-insertion surgeries (23 cervical ring insertions), 3 subcutaneous-device-insertions, 41 artificial abortion surgeries, and 71 induced delivery surgeries. In the first half of the year of 1997, a total of 389 surgeries in 5 categories were performed. They included: 101 sterilization surgeries (12 for two daughters), 27 induced delivery surgeries, 228 device-insertion surgeries, and 33 artificial abortion surgeries. Gao's office had to submit all of this data to the municipal planned-birth committee monthly and annually so that it could be kept on file.

PERSONAL TALES OF SORROW

Gao and her husband were married in 1983, and gave birth to their daughter one year later. Despite their desire to have more children, they were not allowed to give birth to a second child due to the planned-birth policy. In late 1993, Gao and her husband adopted a boy from Harbin, a province in northeast China. They had no choice but to keep him in someone else's home. For fear of being informed against by others in the town, the child never referred to Gao as ''mama'' in the presence of outsiders. Whenever government agencies conducted door-to-door checks, her son had to hide elsewhere.

Her elder sister and her elder brother's wife have only two daughters each. Both of them were sterilized, their health ruined, making it impossible for them to ever live or work normally.

During her 14-year tenure in the planned-birth office, she witnessed how many men and women were persecuted by the Chinese communist government for violating its ''planned-birth policy.'' Many women were crippled for life, and many were victims of mental disorders as a result of their unwanted abortions. Families were ruined or destroyed. Gao, with tears streaming down her face, told during her testimony of how her conscience was always gnawing at her heart.

She vividly recalled how she once led her subordinates to Yinglin Town Hospital to check on births. She found that two women in Zhoukeng Town had extra-plan births. In a move approved by the head of the town, she led a planned-birth supervision team composed of a dozen cadres and public security agents. Sledge hammers and heavy crowbars in hand, they went to Zhoukeng Town, and dismantled the women's houses. Unable to apprehend the women in the case, they took their mothers and detained them in the planned-birth office's detention facility. It was not until a month and a half later that the women surrendered themselves to the planned-birth office, where they were quickly sterilized and monetary penalties were imposed. Gao spoke at length about how she thought she was conscientiously implementing the policy of the ''dear Party,'' and that she was just being an exemplary cadre.

Once Gao found a woman who was nine months pregnant, but did not have a birth-allowed certificate. According to the policy, she was forced to undergo an abortion surgery. In the operation room, she saw the aborted child's lips sucking, its limbs stretching. A physician injected poison into its skull, the child died, and it was thrown into the trash can. ''To help a tyrant do evils'' was not what she wanted.

Also testifying at the hearing was Zhou Shiu Yon, a victim of the Chinese planned-birth policy. Zhou, who had known her boyfriend since childhood, became pregnant at age nineteen. She did not have a birth allowance certificate, so her pregnancy was considered illegal. When she became ill and was hospitalized, it was discovered that she was pregnant, she had her boyfriend pay the nurse to leave the window open; she jumped out, and her boyfriend was waiting with a car to flee to Guangzhou where they boarded a boat to the United States. On the boat, Zhou became extraordinarily seasick, and had complications with her pregnancy. Once in the United States, she lost her baby while being treated in a San Diego hospital. Now, she is unsure of whether or not she will ever be able to have children again. Stories like hers are all too common in China today. Congressman Christopher Smith of New Jersey, chair of the subcommittee, said that the Chinese policy is ''so vile that [it] will cause people to recoil in horror across the centuries.''

THE POPULATION POLICY ANALYZED

I testified at the hearing to show how the Chinese policy is truly a top-down system. For many years I have collected many stories about the tragic experiences of people who are affected by the planned-birth policy. Their personal experiences may be more emotionally shocking, but I want to explain China's internal documents that I have collected over the years. The basic arguments for China's population policy are:

China's living and land resources are limited, which tremendously impedes its development, added to which is population growth. To become a prosperous nation, China must control its population growth.

Limited economic resources and overpopulation cause disruption of education, the environment, health services, and negatively affect quality of life issues in China.

In short, the Chinese government wishes people, especially Chinese citizens, to believe that overpopulation makes China a backward nation, and that controlling it will allow them to develop as a nation. Such a point of view is preposterous, and is countered by the following two observations:

Certain nations such as Japan have even more limited per capita living resources than China, but are nevertheless extraordinarily prosperous.

Is it not the lack of a rational social and economic system that retarded China's development in the years following the rise of the Communist Party? For several years after the 1949 Communist victory, China's economy did in fact make great strides—without a population control policy. Economic backwardness resumed because of failed communist economic experiments. After economic reforms that started in the late 70's under Deng, the economy has again improved. The economic advances that China has made in the last two decades should be attributed to economic reforms rather than to the strict population policy. This is not to say that population control had nothing to do with the economic growth China has experienced, but it is a well-known observation that as economies prosper, fertility rates decrease. This explains why fertility rates have declined more naturally in the urban areas of China; the relatively economically progressive cities do not have to be as coercive with the policy, because the couples who live there today do not wish to have as many children as their rural counterparts.

It is the communist political and economic system that makes it difficult to develop China's economy, and is the fundamental reason for the contradiction between an exploding population and a retarded economy. Therefore, the fundamental way to solve China's population problem is to change its irrational political and economic system. Planned-birth targets every family, every woman.

If you are interested in obtaining full copies of the testimonies, along with pictures and videotapes, please write, call, fax, or email the Laogai Research Foundation in Washington, DC. Our contact information is listed below. Help us stamp out this egregious abuse of government power. Millions of women and children need your support. If China requires a population policy, it must be based on volunteerism and education, not coercion and intimidation. To give birth and plan one's family is a fundamental human right, and should be deprived from no one.

Sincerely,

HARRY WU,
Executive Director,
Laogai Research Foundation.

Mr. SMITH of New Hampshire. Mr. President, in the remaining couple of moments, I will just conclude by saying, I have been out here a number of times following, frankly, in the huge footsteps of Senator HELMS, in a very small way, to talk about protecting the lives of unborn children.

But this goes far beyond that. This debate now has taken a new level. It is now forcing abortions on women against their wishes. I hope that someday Senator HELMS and I, and others, will have the opportunity to stand here in the well and see this practice of abortion ended in this country. Because who knows what is next? If we do not respect the lives of our children, then what do we respect?

Children are a lot smarter than we give them credit for. I have raised three. A lot of you out there listening to me now have raised more than that. They are smart. They know when you say: Johnny, go off to school, be a good boy today, mind your teacher—meanwhile we will abort your sister.

Forty million children have died in this country alone from abortion. Those 40 million children will never get to be a Senator, a spectator in the gallery, a mother, a pastor, a CEO. They are never going to have the chance to be a page. They never had a chance, 40 million of them. We did.

So maybe we should not be too surprised that the Senate is willing to look the other way while they do it in China. We should not be real surprised. But someday I pray that I will be able to stand here and say thank you to at least 67 of my colleagues who put a

stop to it. Maybe that day will happen some time in my lifetime. I sure look forward to it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

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

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

AMENDMENT NO. 4123

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment.

The amendment is designed to force the Secretary of Commerce to impose so-called ''voluntary codes of conduct'' on American businesses operating in China. The fact is, if the proposed codes were truly voluntary, there would be no need to compel the Secretary of Commerce to pressure U.S. businesses into adopting such codes.

More importantly, American businesses already do operate under codes of conduct. The most important code of conduct is, of course, U.S. law.

Another code of conduct American companies are bound to follow is local law, which American companies are bound to operate under when selling abroad.

In addition, U.S. companies also follow their own internal codes of conduct. There has been a revolution in corporate thinking over the last decade about compliance issues and corporate business practices. American business has applied the philosophy of ''best practices'' that began in the manufacturing sector, but now has also been used as a risk management tool.

In other words, adopting an internal—and truly voluntary—internal code of conduct has become a way of minimizing the risk, both legal and financial, that flows from some part of a company operating in a manner that is at odds with the law or corporate ethical standards.

Bluntly, there is a reason that corporations do this and it is not altruism. The greatest force ensuring the adoption of these internal codes of conduct is the capital markets. Poor corporate behavior, even if it does not violate the law, has an immediate impact on share prices in today's capital markets.

As a consequence, American businesses take their environmental and employment standards with them when they operate overseas.

I have with me a copy of a report prepared by the Business Roundtable that details precisely what American companies are doing in China in the way of ''best practices'' in terms of the environment and employment and other social concerns.

The way those companies operate is one of the primary reasons that so many Chinese workers are leaving state-owned enterprises to look for work with American companies in China whenever they can find the opportunity. Their wages, benefits and working conditions are almost invariably higher than any other workplace they can find.

My point is that there is no need to force American companies to adopt so-called voluntary codes of conduct with respect to their operations in China. They are already providing opportunities in China that confirm that there is a race to the top, not a race to the bottom, when American firms operate overseas.

Given the potential beneficial impact that our firms can have in direct contacts with employees, other businesses in China and directly with consumers under the WTO agreement, I would think we would want to do everything we could to ensure that American exporters were free to operate in China, rather than compelling the Secretary of Commerce to dictate to American companies on exactly how they should conduct their operations in China.

The reason I say that and the reason I oppose this amendment and support PNTR is that each American company hiring a Chinese employee is sowing the seeds of political pluralism at the same time. That is precisely how we can best foster both economic and peaceful political reform in China.

For that reason, I urge my colleagues to oppose the amendment.

I ask unanimous consent to print in the RECORD the Executive Summary contained in the Business Roundtable report to which I referred.

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

EXECUTIVE SUMMARY

U.S. companies with operations in China are contributing to the improvement of social, labor, and environmental conditions in China. By exporting to China not only their products and services, but also their operating standards, best business practices, values, and principles, U.S. companies serve as agents of change. When U.S. companies set up operations in China, they bring with them U.S. ethical and managerial practices. These practices shape the way they run their factories, relate to their employees, and contribute to local community activities. Through these practices, U.S. companies set a positive example of corporate citizenship and contribute to the evolution of norms within Chinese society. Indeed, many of these practices are increasingly being adopted by domestic enterprises in China.

U.S. companies with international operations often establish global business practices that are implemented in a similar and appropriate way across all the countries in which they operate. In pursuing such policies in China and elsewhere, U.S. companies advance the cause of important social, labor, environmental, and economic objectives, including improved health, safety, and environmental practices; consistent enforcement of high ethical standards; increased compensation, training, and educational opportunities for workers; accelerated market reforms; transparent government regulation; and the rule of law.

To highlight the positive impact of U.S. companies, we have compiled a sample of the best practices currently in use by U.S. companies in China. Together, these practices tell a remarkable story about the role of companies in China beyond providing goods and services.

These practices span eight principal areas:

Ethical and responsible business behavior;

Corporate codes of conduct;

New ideas and information technology;

Western business practices;

Environmental, energy efficiency, health, and safety standards;

Compensation, benefits, and training;

Volunteerism, charitable giving, and community activism; and

Rule of law.

I. U.S. COMPANIES PROMOTE ETHICAL AND RESPONSIBLE BUSINESS BEHAVIOR WITHIN THEIR FACILITIES AND WITH THEIR CUSTOMERS AND SUPPLIERS

U.S. companies strive to integrate their Chinese operations seamlessly into their world-wide operations. They conduct substantial ethical training for their employees in China, as they do for their employees worldwide. This training is more than simply a set of rules to follow. The training concentrates on fundamental concepts such as integrity, mutual respect, open communication, and teamwork. And it is collaborative: company officers go on-site to Chinese locations to offer guidance on compliance, to listen to employees' concerns, and to observe the practices in use. In addition, to facilitate candid communication, the companies also have procedures for employees to communicate with management confidentially.

II. U.S. COMPANIES UPHOLD COMPREHENSIVE CORPORATE CODES OF BUSINESS CONDUCT AND ETHICS

These corporate codes cover an array of topics, from managing supplier relationships, to protecting the environment, abiding by antibribery laws, supporting equal employment opportunity, and offering job advancement based on merit. The codes are translated into local languages, and as with ethics training, companies back up these codes with programs to ensure compliance. For example, companies conduct ethical renewal workshops to keep concepts fresh in employees' minds, keep employees current with revisions to the code, and underscore the importance of compliance.

III. U.S. COMPANIES CONTRIBUTE TO A MORE OPEN CHINESE SOCIETY THROUGH THE INTRODUCTION AND DISSEMINATION OF IDEAS AND INFORMATION TECHNOLOGIES

By giving Chinese employees and consumers access to information technology, U.S. companies are giving individual Chinese citizens the opportunity to communicate with people inside and outside China, in the United States and in the rest of the world. U.S. companies are exposing Chinese citizens to new information, ideas, values, and behavior. They do so by giving their employees in China access to the Internet, Chinese-language web pages, and worldwide e-mail, which allow them to exchange information with people around the world instantaneously. U.S. companies provide access to international business, political, and financial news. They also sponsor employee newsletters to exchange information among sites across China. In addition, U.S. companies expose Chinese government officials to new ideas, such as through informal roundtable discussions with officials in Chinese ministries to exchange ideas and experiences.

IV. U.S. COMPANIES ACCELERATE EXPOSURE TO, AND ADOPTION OF, WESTERN BEST BUSINESS PRACTICES

U.S. companies accelerate adoption of Western business practices in two ways: by—

bringing Chinese professionals to the United States to see the practices in action, and by bringing the practices to China to show them in action there. Accordingly, U.S. companies support substantial foreign travel by their Chinese employees, as well as Chinese officials, to give them direct exposure to market economy forces and Western social and political structures. U.S. companies with operations in China send literally thousands of their employees, Chinese officials, and students to the United States every year. And these visitors spend a substantial stay in the United States, from several weeks to as much as six months. They come to the United States to see U.S. practices firsthand—touring factories and offices across the United States. They also visit Washington, D.C. to observe our democratic political process and meet with Members of Congress and other government officials. For many of the Chinese visitors, this trip is not only their first trip to the United States, it is also their first opportunity to travel outside China.

In addition, U.S. companies teach global workforce, management, and manufacturing principles to all of their employees in China. This training is a comprehensive, ''hands-on'' experience which covers principles and practices such as participative management, empowered workforce, employee teaming, total quality management, and just-in-time systems. Chinese managers also receive training in fundamental market economics, and cutting-edge management practices; some even receive Western MBAs through these programs. And to further exposure to Western business practices, U.S. companies in China organize symposia on economics, finance, management and other business topics. These symposia bring Chinese professionals in contact with Americans and other foreigners from a wide array of corporations, academia, government, and other institutions to exchange ideas and experiences.

V. U.S. COMPANIES PROVIDE FOR AND PROMOTE HIGHER ENVIRONMENTAL, ENERGY EFFICIENCY, HEALTH, AND SAFETY STANDARDS WITHIN THEIR FACILITIES AND IN THE COMMUNITIES IN WHICH THEY OPERATE IN CHINA

U.S. companies apply, and achieve, higher environmental, energy efficiency, health, and safety standards than Chinese-owned factories achieve—higher even than Chinese law requires. U.S. multinational companies set worldwide operating principles for their international facilities, including China, and these principles are based on U.S. standards. By setting an example of exceeding the Chinese standards, U.S. companies put pressure on domestic Chinese enterprises to comply with these higher, international standards. And U.S. companies not only bring higher standards, they bring the technology to meet these higher standards, by providing advanced environmental protection and energy efficiency technology and by sponsoring environmental protection symposia in China to exchange information about these standards and how to meet them. Finally, by creating jobs and raising living standards in China, U.S. companies are creating the wealth necessary to help China pay for higher environmental, worker safety, and energy efficiency standards.

VI. U.S. COMPANIES PROVIDE DESIRABLE EMPLOYMENT ALTERNATIVES TO CHINESE WORKERS, INCLUDING ENHANCED COMPENSATION, BENEFITS, AND TRAINING OPPORTUNITIES FOR ADVANCEMENT ON THE BASIS OF MERIT

U.S. companies are raising the bar for employment opportunities. They provide enhanced compensation and benefits, sponsor on-going training opportunities, and offer advancement on the basis of merit. U.S. companies pay their Chinese employees substantially higher wages than Chinese-owned firms do. In addition, U.S. companies offer forward-looking benefits programs, such as subsidies to encourage home ownership, and on-site day care. Companies also offer performance-linked rewards systems and incentives for good safety practices. Together, these benefits lead to low employment turnover rates.

U.S. companies also offer comprehensive technical training. They have technical training centers located throughout China, some so comprehensive that the companies call them their corporate ''university.'' Many companies establish minimum training hours for each worker per year, which they offer substantially exceed. In addition, companies offer scholarships to students at China's leading universities to ensure that the next generation of Chinese workers has the technical skills necessary to succeed in a more competitive workplace.

VII. U.S. COMPANIES EXPORT U.S. CONCEPTS OF VOLUNTEERISM CHARITABLE GIVING, AND COMMUNITY ACTIVISM

U.S. companies in China are setting an example of volunteerism and community activism. They have donated millions of dollars to support a variety of charitable causes in China including scholarships for students to attend university, donations to flood victims, medical care for children, and support for primary education in rural districts. These funds empower local communities, and individuals, to work toward improving their own circumstances. Company volunteers add a human link, through tutoring and mentoring programs.

VIII. U.S. COMPANIES SUPPORT ADVANCEMENT OF THE RULE OF LAW IN CHINA AND EFFECTIVE ENFORCEMENT MEASURES

U.S. companies have taken an active role in encouraging and developing the rule of law in China. They have been working with Chinese officials to develop new laws governing property rights, taxation, corporations, and other commercial areas. Industry-by-industry, they provide expertise and set an example of how to operate successfully while respecting the rule of law.

* * * * *

While this summary gives some flavor of the practices in place by U.S. companies, the real story is in the details. We encourage you to take a look at the full paper, which provides a unique opportunity to see the steps being taken by individual companies.

Mr. ROTH. 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. KYL. 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. KYL. Mr. President, I have what I think is pretty good news for my colleagues in the Senate and for the administration which I would like to share and which relates directly to the legislation pending before us.

I believe that by this time next week, the Senate——

The PRESIDING OFFICER. The Chair inquires about whose time the Senator is using.

Mr. KYL. I presumed I would be using time on the majority. I inquire of the Chair, am I correct that Senator FEINGOLD was to speak at 4 o'clock and prior to that time there would be time I could use on this side?

The PRESIDING OFFICER. We don't have an order for Senator FEINGOLD. We simply want to know whose time the Senator is using.

Mr. KYL. If I may take the majority time, I don't need unanimous consent.

The PRESIDING OFFICER. The Senator may do so.

Mr. KYL. Thank you, Mr. President.

Mr. President, the point is that we are going to be considering PNTR for China, which will enable China to join the World Trade Organization within the week, and presumably that will be done in accordance with the bill passed by the House of Representatives.

It is important that we ensure the other party to this equation is taken care of because there don't appear to be any more roadblocks to the Senate's consideration of PNTR and China's entry into the body from a legislative perspective. But there could have been.

It is also important that Taiwan enter into the WTO. I believe virtually every Senator and every Member of the other body is committed to that. I know the administration is committed to that. But there could have been a roadblock to China's PNTR and WTO accession had we not clarified something with respect to Taiwan.

It has been agreed since 1993 that Taiwan would enter the WTO. It has been virtually ready to do so. But out of deference to China and to ensure China could enter first and then Taiwan second, Taiwan's entry has been delayed. But we believe neither China nor anyone else in the world would object to Taiwan's entry into the WTO, and indeed the working group that deals with the specifics of Taiwan's entry I think is in very good shape.

There has been a commitment by the administration to ensure that when the Senate and the House have approved PNTR for China, the United States can therefore move forward with China's accession and that we do so with respect to Taiwan as well. Unfortunately, however, since the House acted, there has been an unfortunate string of comments made by high Chinese officials that have cast some doubt on whether or not China would make good on its commitment to support Taiwan's accession into the WTO.

While the leaders of China had said they would support Taiwan's entry, they said it must be under terms provided by China. Specifically, that meant it had to be Taiwan entering the WTO as a province of China. That, of course, is contrary to the agreement that heretofore had been worked out, contrary to all the wishes of the members of the working study group and the United States, and of course Taiwan.

The administration has taken a firm position that they will not support that kind of language; that Taiwan must come in as a separate customs territory or separate trading territory and not as a province of China.

This has been enough of a matter of concern—these statements made by Chinese leaders—that we sought assurances from the administration and had meetings with administration officials to clarify. Specifically, a group of Senators met with Charlene Barshefsky to inquire about the status of the matter, particularly since Jiang Zemin is quoted as having made statements in New York a few days ago that China would only agree to Taiwan's entry under this term expressing Taiwan as a province of China.

I will have printed in the RECORD some items. One is a Wall Street Journal lead editorial from yesterday in which the Wall Street Journal notes:

> Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said of course Taiwan could join the WTO, but only as part of China.

The editorial goes on to note that is unacceptable to the United States, and that the Senate needed to act with respect thereto.

Ms. Barshefsky confirmed that President Clinton told Jiang that Taiwan would have to come in under the terms originally negotiated, not as a province of China. Jiang responded with the Chinese position, and the President then responded with the U.S. position again. The controversy, in other words, was not put to bed.

Earlier, the Chinese Foreign Ministry spokesman Yuxi is reported to have said: The Chinese side has a consistent and clear position. Taiwan can join WTO as a separate customs territory of China.

These comments, of course, are of concern to us. The House has already acted to approve PNTR, but you now have high Chinese officials saying Taiwan's accession must be as a province to China, contrary to the position of the working group, of the United States, of Taiwan. As a result, we thought something had to be done to clarify this.

Some time ago, a group of 40 Senators had written to the President and asked for his assurances that he would support Taiwan's entry into the WTO simultaneous with that of mainland China. In a letter to me and to other Senators, dated August 31, the President said:

> China has made clear. . . that it will not oppose Taiwan's accession to the World Trade Organization.
>
> Nevertheless, China did submit proposed language to their working party stating Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

When we met with Ms. Barshefsky yesterday, we noted other statements have been made and clearly some action needed to be taken by the United States to make it crystal clear that we would not approve PNTR with this issue outstanding. I prepared an amendment and filed it with the clerk. I have not offered it yet, but that amendment would have made it very clear our approval of PNTR was subject to Taiwan acceding to WTO membership under the original terms negotiated—not as a separate province of China. The administration strongly opposes any amendments being attached to PNTR because of its concern that the House of Representatives would not, a second time, pass the legislation, and, as a result, inquired whether other kinds of assurances would suffice in lieu of action by the Senate on this matter.

We indicated our purpose was not to try to derail the PNTR but rather to have an assurance that the administration would insist upon the entry of Taiwan under the original terms and that it would not allow entry by China and not entry by Taiwan in the appropriate way.

A day later, yesterday, the President sent a letter to the majority leader, with copies to those who had been in the meeting, dated September 12, in which the President advises the leader on two matters pending. One was the Thompson amendment dealt with earlier today, but the other was the matter that we discussed, and as I understand it, this was explicitly inserted in the letter to provide the assurance that we had requested the day before.

Let me quote from the President, indicate what I think this means, why it is important, and why as a result it will not be necessary to proceed with the amendment which I filed earlier.

The President says:

> There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as ''Chinese Taipei''). The United States will not accept any other outcome.

That is important because the President of the United States has defined exactly the appropriate language for Taiwan's accession to WTO as a separate customs territory of Taiwan, not as the Chinese had been insisting, as a province of China. And the President notes, and I again quote the last sentence: ''The United States will not accept any other outcome.''

I can't think of a clearer statement by the President of the United States that we will insist upon Taiwan's accession under appropriate terms—those specifically identified here—and, at the same time, that China is admitted to the WTO. In my view, this provides the necessary assurance that the President, those working on his behalf, will see to it that this is done in a proper way. As a result, it seems to me unnecessary to pursue the amendment which I had earlier filed.

As a result, I spoke with Senator MURKOWSKI, Senator HELMS, Senator SESSIONS, Senator ROTH, and others who I thought were interested in the issue. They have all concurred that this language is sufficient, and as a result I will not be offering the amendment.

I applaud the President's action in this regard. I appreciate the action of Ms. Barshefsky and her counsel, and certainly reiterate my intention of working with the administration on this important matter. Of course, Taiwan represents an extraordinarily important trading partner for the United States and a very good ally, an ally of which we need to continue to be supportive.

I will identify specifically the documents I will have printed in the RECORD at this time. First, a letter to me from the President of the United States dated August 31; second, a letter to the majority leader from the President of the United States dated September 12; third, a Wall Street Journal editorial dated September 12; fourth, a letter a group of Senators had sent to the President initially dated July 27, 2000; and finally, a copy of an AP story I quoted from earlier, the headline of which is ''China Asserts Claim Over Taiwan,'' dated September 7, 2000. I ask unanimous consent to have these documents printed in the RECORD.

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

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

THE WHITE HOUSE,
Washington, August 31, 2000.

Hon. JON KYL,
U.S. Senate,
Washington, DC.

DEAR SENATOR KYL: Thank you for your letter regarding Taiwan's accession to the World Trade Organization (WTO). My administration remains firmly committed to the goal of WTO General Council approval of the accession packages for China and Taiwan at the same session. This goal is widely shared by other key WTO members.

China has made clear on many occasions, and at high levels, that it will not oppose Taiwan's accession to the WTO. Nevertheless, China did submit proposed language to their working party stating that Taiwan is a separate customs territory of China. We have advised the Chinese that such language is inappropriate and irrelevant to the work of the working party and that we will not accept it. We believe that this position is widely shared by other WTO members.

Again, thank you for writing concerning this important matter.

Sincerely,

BILL CLINTON.

THE WHITE HOUSE,
Washington, September 12, 2000.

Hon.TRENT LOTT,
Majority Leader, U.S. Senate, Washington, DC.

DEAR MAJORITY LEADER: I want to commend you for commencing debate on H.R. 4444, which would extend Permanent Normal Trade Relations to the People's Republic of China. This crucial legislation will help ensure our economic prosperity, reinforce our work on human rights, and enhances our national security.

Normalizing our trade relationship with China will allow American workers, farmers, and businesspeople to benefit from increased access to the Chinese market. It will also give us added tools to promote increased openness and change in Chinese society, and increase our ability to work with China across the road range of our mutual interests.

I want to address two specific areas that I understand may be the subject of debate in the Senate. One is Taiwan's accession to the World Trade Organization (WTO). There should be no question that my Administration is firmly committed to Taiwan's accession to the WTO, a point I reiterated in my September 8 meeting with President Jiang Zemin. Based on our New York discussions with the Chinese, I am confident we have a common understanding that both China and Taiwan will be invited to accede to the WTO at the same WTO General Council session, and that Taiwan will join the WTO under the language agreed to in 1992, namely as the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu (referred to as ''Chinese Taipei''). The United States will not accept any other outcome.

The other area is nonproliferation, specifically the proposals embodied in an amendment offered by Senator Fred Thompson. Preventing the proliferation of weapons of mass destruction and the means to deliver them is a key goal of my Administration. However, I believe this amendment is unfair and unnecessary, and would hurt our nonproliferation efforts.

Nonproliferation has been a priority in our dealing with China. We have pressed China successfully to join the Non-Proliferation Treaty, the Chemical Weapons Convention, the Biological Weapons Convention, and the Comprehensive Test Ban Treaty, and to cease cooperation with Iran's nuclear program. Today, we are seeking further restraints, but these efforts would be subverted—and existing progress could be reversed—by this mandatory sanctions bill which would single out companies based on an unreasonably low standard of suspicion, instead of proof. It would apply a different standard for some countries than others, undermining our global leadership on nonproliferation. Automatic sanctions, such as cutting off dual-use exports to China, would hurt American workers and companies. Other sanctions, such as restricting access to U.S. capital markets, could harm our economy by undermining confidence in our markets. I believe this legislation would do more harm than good.

The American people are counting on the Congress to pass H.R. 4444. I urge you and your colleagues to complete action on the bill as soon as possible.

Sincerely,

BILL CLINTON.

[From the Wall Street Journal, September 12, 2000]

JIANG MUDDIES THE WATERS

Chinese President Jiang Zemin is nothing if not a gambler. Just days before this week's crucial U.S. Senate vote on granting China permanent normal trade relations (PNTR) with the U.S. Mr. Jiang raised an issue that will have many Senators seeing red. He said, in effect, that Taiwan should not be admitted to the World Trade Organization on any conditions other than those set by Beijing.

Addressing a business group during his visit to New York for the United Nations summit, Mr. Jiang said that of course Taiwan could join the WTO, but only as a part of China. Now, this statement is subject to various interpretations, and some might say it is only semantics. But many Senators will want to know whether they are being asked to approve PNTR under conditions laid down solely by China, with little regard for U.S. interests.

We have argued here that granting China PNTR as a prelude to China's admission to the WTO is a good idea. It would open China further to Western trade and investment, hastening the development in China of free enterprise and a propertied middle class. A more enlightened and influential electorate will gradually demand more explicit civil rights and require governments at all levels to become more responsive to the wishes of the people.

But we also have supported the right of the Taiwanese, who already have a functioning democracy, to chart their own course toward better relations with the mainland, without undue pressure from Beijing. This attitude toward Taiwan is shared by an influential bloc in Congress that won't appreciate Mr. Jiang laying down conditions for Taiwan's WTO membership. It is well known in Congress that Taiwan qualified, in a technical sense, for membership a long time ago. It was thought that Taiwanese membership was an implicit part of the deal that grants China PNTR.

If there has been a dangerous misunderstanding here, it is largely Bill Clinton's fault. On his visit to China in 1998 he imprudently agreed to what the Chinese government called the ''Three No's.'' At the root of these three demands was the requirement that the U.S. not grant Taiwan admission to any world body that required statehood as a condition of membership. While that didn't specifically apply to the WTO, Mr. Clinton's agreement was tantamount to allowing China to set the conditions for future Western policy toward Taiwan. It came close to an acknowledgement that Taiwan is a Chinese province.

So now Mr. Jiang feels emboldened to come to the U.S. and give speeches implying that Taiwan must accept China as it parent if it wants to get the same trading privileges that the Senate is about to grant to China. No doubt Mr. Jiang was inspired by other recent U.S. concessions.

For example, because of Chinese objections, the Dalai Lama was not allowed to participate in the religious gathering that preceded the summit. China's harsh control of Tibet, like its hoped-for acquisition of Taiwan, is seen by Beijing as nobody else's business, and one might easily get the impression that the Clinton Administration agrees.

Given all the kow-towing that Bill Clinton has done, not to mention the China angle in the Clinton-Gore campaign fund-raising scandals, it was no surprise that the Chinese president treated him with some disdain when the two sat down for a chat last Friday. Mr. Clinton, in yet another concession to China, had just announced that his Administration would make no further efforts to build a national missile defense. When Mr. Clinton raised the issue of missiles as a threat to Western security, Mr. Jiang responded with silence. And when Taiwan came up, he favored Mr. Clinton with a long monologue laying out China's historical claims to Taiwan. In short, Mr. Clinton got a cold shoulder on both of these important issues.

These are the fruits of a Clinton policy that has, in effect, left Taiwan blowing in the wind. Try as he may now, Mr. Clinton is hard pressed to put a positive spin on his China legacy. The nuclear proliferation issues that have bedeviled Sino-U.S. relations since he took office in 1993 remain essentially unresolved. And by violating the security assurances of his Republican Party predecessors, he has left his successor a tinderbox situation in the Taiwan Strait.

That is why Mr. Clinton knows China's accession to the WTO is about much more than the mutual benefits of expanded global trade. He's gambling it will head off—Communist Party or no—the kind of militant Chinese nationalism that could spark a shooting war across the Taiwan Strait, force a U.S. military response and perhaps envelop the rest of Asia.

Thus, the peace dividend; within China, WTO will empower a bloc of interests favoring outward-oriented growth and the conditions required to secure it, including peace and the rule of law. Dependent on Taiwanese and Western commerce, China would reconsider military adventurism as too costly and counterproductive.

It all sounds good. Indeed, China's membership in the WTO is, in the words of one observer, the ''Rubicon of its opening to the outside world,'' since all previous efforts to integrate its economy with the world trading community have been unsuccessful. But this assumes a lot.

It assumes China's behavior amid change will be predictable, that it will set aside the longstanding historical grievances and nationalist claims that fuel its commitment to an extension of regional power in Asia through the acquisition of nuclear, chemical and biological weapons. It assumes that, in the absence of stronger cooperative security ties with Europe and Japan and deterrents such as theater missile defense, future U.S. administrations will be able to ''manage'' relations with China.

In the best of the possible worlds we imagine, international economic institutions like the WTO may very well help spread among some nations the practice of a decentralized and pluralistic brand of governance. But trade agreements and their trickle-down effects alone cannot suffice for a coherent, long-term national security policy that squarely faces up to the realities of America's emerging strategic threats.

At the least the debate will serve notice that some very sensible people in the Senate realize the U.S. cannot hang its future security relationship with China, and Taiwan, on WTO, as President Clinton seems to have done. It remains for the next Administration to fix this mistake.

For now, WTO is the matter before the Senate. It is too bad that Mr. Jiang and Mr. Clinton have gone out of their way to make it difficult for Senators to vote in favor of this otherwise positive step in U.S.-China relations.

U.S. SENATE,
Washington, DC, July 27, 2000.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: As the Senate nears consideration of legislation extending permanent normal trade relations to the People's Republic of China (PRC), we are writing to express concern that Beijing may be planning to take actions that would have the effect of blocking Taiwan's accession to the World Trade Organization (WTO). According to press reports, the PRC recently offered a proposal at the WTO calling for that organization to recognize the PRC's position that Taiwan is part of the mainland. Taiwan is the United States' eighth largest trading partner, and we support its admission to the WTO as soon as it meets the criteria for membership.

On several occasions, Administration officials have indicated that Taiwan's accession to the WTO would closely follow the PRC's. For example, in February, U.S. Trade Representative Charlene Barshefsky testified to the House of Representatives that ''. . . the

only issue with respect to Taiwan's [WTO] accession . . . pertains to timing . . . there is a tacit understanding . . . among WTO members in general—but also, frankly, between China and Taiwan—that China would enter first and China would not block in any way Taiwan's accession thereafter, and that might be immediately thereafter or within days or hours or seconds or weeks. . . .'' Later that same month, in response to a statement by Sen. Roth that ''there's a great deal of concern that Taiwan might be blocked [from entering the WTO] once China secures such membership,'' Ambassador Barshefsky testified ''. . . the United States would do everything in our power to ensure that that does not happen in any respect because Taiwan's entry is also critical.''

We respectfully request that you clarify whether your Administration continues to believe that Taiwan's entry to the WTO is critical, whether you remain committed to that goal, and whether you remain convinced that Taiwan will enter the WTO within days after the PRC's accession. Furthermore, is the Administration aware of any efforts by the PRC to impose extraordinary terms and conditions on Taiwan's accession to the WTO? What specific assurances has Beijing provided regarding the timing and substance of Taiwan's accession to the WTO? And what steps has your Administration taken to ensure that Taiwan will in fact join the WTO immediately following the PRC's accession?

We would appreciate a response to this inquiry by August 18, in order to consider its contents prior to Senate debate on extending permanent normal trade relations to the PRC.

Sincerely,

Jon Kyl, Orrin Hatch, Larry Craig, Mike Enzi, Don Nickles, Trent Lott, Bob Smith, Frank Murkowski, Conrad Burns, Gordon Smith, Wayne Allard, James Inhofe, Mike DeWine, Fred Thompson, Mitch McConnell, Slade Gorton, Pete Domenici, Jesse Helms, Connie Mack, Tim Hutchinson, Mike Crapo, Arlen Specter, Strom Thurmond, Jeff Sessions, Jim Bunning, Spencer Abraham, Craig Thomas, Robert Bennett, Phil Gramm, Susan Collins, Dick Lugar.

SEPTEMBER 7, 2000.

CHINA ASSERTS CLAIM OVER TAIWAN

BEIJING (AP).—Pushing its claim over Taiwan into complex trade negotiations, Beijing insisted Thursday that the World Trade Organization only admit Taiwan as a part of China.

The demand by Beijing threatens to impede Taiwan's membership bid as both the island and China near the end of their separate years-long negotiations to join global trade's rule-setting body. It also complicates a debate in the U.S. Senate this week on whether to approve a WTO pact with China.

Influential senators released a letter from President Clinton on Wednesday weighing in on Taiwan's side. Clinton wrote that his administration opposes Chinese efforts to call Taiwan ''a separate customs territory of China.''

Brushing aside the opposition, Chinese Foreign Ministry spokesman Sun Yuxi said Thursday that China wanted its sovereignty claim to Taiwan written into the terms for Taiwanese membership to WTO.

''The Chinese side has a consistent and clear position: Taiwan can join WTO as a separate customs territory of China,'' Sun said at a twice-weekly media briefing. He accused Taiwan of using the WTO negotiations to engage in separatism.

The dispute over what the WTO should call Taiwan underscores the 51-year split between the island and the mainland and China's attempts to coax Taipei into unification. It also revives a debate that has simmered for years in working groups negotiating terms for Taiwan's entry to WTO and its predecessor, GATT.

Taiwan applied to join the General Agreement on Tariffs and Trade in 1990 as ''the customs territory of Taiwan, Penghu, Kinmen and Matsu,'' thereby avoiding the questions of sovereignty and statehood. Penghu, Kinmen and Matsu are small island groups under Taiwan's control. GATT and now WTO rules allow regions in control of their trade but without full statehood to join as separate territories.

Under a 1992 agreement that allowed separate working groups to negotiate Chinese and Taiwanese bids, GATT members acknowledge China's sovereignty claim to Taiwan and out of deference said Taiwan could only join after Beijing.

Sun, the Foreign Ministry spokesman, insisted that the 1992 agreement recognized Taiwan as a separate customs territory of China.

Mr. KYL. In conclusion, as I said in the beginning, I think this is good news for the Senate, for the House, for the administration, and for all friends of Taiwan and for those who believe both in permanent normal trade relations with China, as well as the entry into WTO of both China and Taiwan; certainly Taiwan entering in terms that are appropriate as a trading partner of the United States, as a separate customs territory and not as a province of China.

This is good news. I hope it portends an early conclusion to the discussions that will form the basis for accession by both China and Taiwan into WTO. I appreciate the cooperation, as I said, of my colleagues here as well as the representatives of the President and the President himself.

Mr. ROTH. Will the Senator yield?

Mr. KYL. I yield.

Mr. ROTH. Mr. President, I congratulate the Senator for the leadership role he has played on this important matter. I think all of us feel very strongly that Taiwan must and should become a member of WTO. Under no circumstances should this imply a change in its trading status. Taiwan is our eighth largest trading partner—isn't that correct? It would be ironic if her status did not change. She is qualified. I think all the work has been completed for her to become a member.

I want to tell my colleague how much I appreciate the leadership he has provided.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. MOYNIHAN. Mr. President, just 2 days ago, the Washington Times carried a fine article by our former colleague, Rudy Boschwitz, and Robert Paarlberg, who is a professor of political science at Wellesley College, entitled ''China Trade Boosts Farmers,'' subtitled, ''Senate should back PNTR.''

Farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a pre-emptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products.

It is a very thoughtful, factual, and persuasive article. In view of the serendipitous visit to this Chamber by our former colleague, I ask unanimous consent that it be printed in the RECORD.

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

[From the Washington Times, Sept. 11, 2000]

CHINA TRADE BOOSTS FARMERS

SENATE SHOULD BACK PNTR

(By Rudy Boschwitz and Robert Paarlberg)

Executive branch officials routinely exaggerate the expected payoffs from new trade agreements to win support for those agreements in Congress. The recent U.S.-China agreement setting terms for China's protocol for accession to the World Trade Organization (WTO) has been hyped accordingly. Yet in the area of agriculture, the gains from this new agreement are actually greater than U.S. officials have so far dated to claim.

Additionally, farm state legislators should be particularly sensitive to the fact that China's joining the WTO will be a preemptive strike benefiting American farmers. Membership in the WTO will preclude China from later raising trade barriers on agricultural products. Every other nation has raised such barriers as it has become industrialized.

Furthermore, on joining the WTO, China would undoubtedly find reason to curtail internal subsidies. Such subsidies would surely further increase China's agricultural production. China has already found such subsidization to be costly and to cause grain surpluses that are both hard to store and cope with.

The official claim, from the U.S. Department of Agriculture, is that China's participation in the WTO will produce an annual gain of $1.6 billion in new U.S. exports of grains, oilseeds and cotton by 2005. It will also lead to $350–$450 million annually in additional U.S. exports of other products such as poultry, pork, beef, citrus, other fruits and vegetables, and forest and fish products.

This optimism is well-founded, since under the agreement China has agreed to allow imports of a minimum of 7.3 million tons of wheat virtually duty-free (only a nominal 1 percent tariff), and this quantity will increase to 9.3 million tons over five years. Those tonnages represent 11 to 15 percent of the wheat crop in the United States. For soybean and soybean meal imports, China's current tariffs will be located in at 3 percent and 5 percent respectively, and for soybean oil China will reduce and bind its current tariff from 13 percent to 9 percent—and increase the quota of imports allowed under this lowered tariff from 1.7 to 3.2 million tons over the six year implementation period.

Those numbers also represent a meaningful percentage of our production. For corn, China has agreed to allow imports of 4.5 million tons (at just a 1 percent tariff) increasing to 7.2 million tons. It also promises to stop using export subsidies to dump its own surplus production (roughly 8 million tons of corn this year) onto other markets in East Asia, opening up still more trading space for highly competitive U.S. corn exporters.

These market-opening gains are impressive measured against the standard of China's

current farm trade policies. Yet they are even more impressive if measured against China's likely future farm trade posture, absent any WTO disciplines. The new agreement does not simply codify future farm trade liberalizations that China might have been expected to undertake anyway. Instead, it operates pre-emptively against what might have otherwise been a damaging increase in Chinese farm sector protection.

The tendency of all nations as they industrialize is to increase policy protection in the agricultural sector.

Earlier in the 20th century, industrial development has also helped bring differing degrees of farm sector protection to most of Europe and to the United States. Continued rapid industrial development in China might thus have been expected, before long, to trigger an increase in China's farm trade protection from the current level. It is fortunate that China will now come into the WTO and bind its protection levels for agriculture before this natural, post-industrial tendency to extend lavish protection to relatively inefficient farmers has expressed itself.

This is good for U.S. agricultural exporters, but the Chinese know it is good for them as well, which is why they are doing it. The Chinese do not want to be stuck several decades from now struggling, like the Japanese and the Europeans, to escape a costly and burdensome system of subsidies to inefficient farmers. China's agricultural policies, which are not yet heavily protectionist, have nonetheless already begun to generate periodic surpluses of corn, wheat, and rice, and officials have learned these surpluses are expensive to store at home and costly to export under subsidy. China welcomes the import policy disciplines it is accepting in WTO as an incentive to avoid moving toward costly farm subsidy policies in the years ahead.

All that remains is for the U.S. Senate to approve Permanent Normal Trade Relations (PNTR) for China, so that U.S. farmers will be able to share in the gains from this new trade liberalizing agreement. Without a PNTR policy in the United States, the expanded agricultural trade benefits from China's accession to the WTO are likely to be captured more by farmers in Canada or Australia, and less by the United States.

With the U.S. farm sector currently struggling under a burden of low prices brought on in part by sluggish exports to East Asia, the China option is not one to be missed. Farm state legislators in Congress need to see these facts clearly when the time comes to vote on PNTR status for China.

Mr. MOYNIHAN. Mr. President, seeing no Senator seeking recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOMENICI. 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. DOMENICI. Parliamentary inquiry. Is it appropriate for the Senator from New Mexico to speak at this point?

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOMENICI. Mr. President, this bill before us is a decisive step toward normalizing trade relations with China. Chairman ROTH has characterized this vote, the one we will make on this bill, as the most significant vote we will take this Congress. I agree.

While we will be concerned with many more issues that seem more important to individual Senators, and certainly we will be looking after our parochial interests in our sovereign States as we work as Senators—and that is all very important—but when we look at America and what she stands for in the world as it is evolving and developing, the final vote on this measure is probably the most significant vote we will take this year and maybe in many years.

Senator ROTH, I repeat, said that. I agree wholeheartedly. I am quite sure the tenor of Senator MOYNIHAN's suggestions—I have not been privileged to hear them here with the Senate—would agree with that. This is a very important issue.

This is the one vote that will be heard around the world. This is the one vote which recognizes that countries must play by the same rules in a globalized market if the market is to be efficient and function properly.

We hear so much talk about what is happening to the world—globalization. International trade, as part of globalization, must be efficient and effective.

This is the one vote that will do a great deal to encourage democracy for one in five people living on this Earth. I say encourage democracy because I truly believe this is the one vote that invites China to be our trading partner and, at the same time, determines whether American manufacturers, farmers, and service industries will get the benefit of trade and of an agreement pursued and negotiated by three different American Presidents.

They cannot all be wrong. As a matter of fact, they were all right. China is joining the WTO and have implemented a lot of reforms in order to be eligible. Furthermore, it has made promises to do certain other things. So that the U.S. can benefit from this new WTO members' market, Congress needs to grant permanent normal trade relations to China. It just took us a long time to understand and to work our way to this day when granting China permanent trade relations is finally before us.

On the subject of PNTR for China, Chairman Greenspan said:

History has demonstrated that implicit in any removal of power from central planners and broadening of market mechanisms . . . is a more general spread of rights to individuals. Such a development will be a far stronger vehicle to foster other individual rights than any other alternative of which I am aware.

That is precisely what globalization and international trading—China trading with America—have a chance to do.

Exposure to democracy and capitalism, information, and telecommunications and communication technology will increasingly influence the course of global affairs, without any question.

Imagine what Internet success means to a one-party, authoritarian state such as China. Even if China's economic growth and military modernization appear to be threatening, our relationship with China will evolve within the context of a very different world, a world increasingly reliant on information to achieve economic growth, prosperity, and jobs.

Anyone who has gone to China recently or, for that matter, watched recent television programming regarding what is going on with the labor force in China will know that Chinese men and Chinese women will move to get good jobs. They are already moving from the countryside to the cities without any retribution. They are smiling. They are taking risks because they see the opportunity to get a good paycheck. Make no bones about it, they want jobs that pay them money so they can move up their standard of living in this world.

That force, if turned loose in China, will change China forever. In particular, since China does not have the kind of central government the Soviet Union had, although we have from time to time called them both Communist countries, they are certainly very different in terms of the ability to control people and whether or not the central government really has as much control or is as despotic as the government that was managed by a small oligarchy in the Soviet Union.

I am not suggesting the trade, the Internet and computers will topple authoritarian structures in China overnight, but I do believe that for many years information control was equivalent to people control, but information control is quickly becoming more and more impossible.

Exposure to our economic system through trade, telecommunications, and the Internet will encourage strides toward freedom, in my humble opinion. For every argument that China is a risk to America's future, I argue that China trading with America is a move in a direction of freedom that takes away from the risk of the future, takes away from the risk of a centralized powerful Chinese Government being dangerous to the world. Not that they are not, not that they could not be, but I submit it will be more and more difficult for that to occur as free trade permeates the cities and suburbs of China and the people who live there and the businessmen who will prosper by it.

I offer that while it is not at issue, education is another catalyst for economic freedom and democracy. Chinese students attending American universities is an important part of any effective economic trade and foreign policy for the United States. I know there are a lot of young Chinese coming to American universities to be students here, and living our way of life while they get educated. I asked my staff to find out just how many. Fifty thousand Chinese students from China now, not Taiwan—attended American universities last year. The number grows by the thousands every year.

The important thing is that these students are not studying math and science and culture by remote control. They are doing this by being physically present in American cities across this land. I submit, the more the young people of China experience America and are exposed to American freedom and watch capitalism work in America, the more likely it becomes that the future of China will be subtly but unalterably influenced in a positive direction.

Whether these Western-educated, young Chinese people are involved in politics or business—I would add in science or math or physics—their views about democracy and the free market economics will not be controlled or dominated by the so-called party.

Over the long run, experience and exposure will have a direct and significant impact on mainland China. And the leaders know what is happening.

The Chinese leaders do not attempt to stop their students from coming to the greatest universities in the world and get educated in the best way in the world. In fact, sometimes I think they must be aware that there is a better way than what they have in their country, and to some extent they may think a better way is substantially the free way, the American way.

China is a big, big market. It has been estimated that the PNTR would increase U.S. exports to China by about $13 billion annually and will grow every sector of this economy. China is densely populated. It is a country in which one in five people alive today live. Think of that. This is largely an open, untapped market, both for the mind and for substances of trade.

I will comment on my State, which is not looked at as an exporting State, but direct exports from New Mexico to China totalled $235 million in 1999; and adding indirect exports through Hong Kong, brings our total to about $320 to $350 million.

We often hear the expression ''everything from soup to nuts'' to describe something very comprehensive, something widespread. An apropos variation of this colloquialism is ''China-New Mexico trade covers everything from chips to cheese.''

Agricultural tariffs will be cut by more than half. New Mexico has, believe it or not—and this is not because PETE DOMENICI is of Italian extraction, whose mother and father came to New Mexico as immigrants—the largest mozzarella cheese plant in all the world. The mozzarella cheese for all of those delis they have in New York, where does it come from? New Mexico. And so is the case for China; it comes from New Mexico. They are one of our large importers of that cheese, and many other cheese products made in our State.

Incidentally, I say to Senator MOYNIHAN, while time has been passing, New Mexico has been growing in terms of dairy cows and as part of American milk production. Everybody thinks dairy product production is a Wisconsin issue, but New Mexico is now ninth among all of the sovereign States in terms of the production of dairy products. That is why it turns out we are working with China.

PNTR and China joining the WTO will be a big help for the New Mexico producers of milk products, as the Chinese people get the opportunity to compare the comparative culinary merits of Domino's, Pizza Hut, and even Papa Johns. I know my friend from New York is not here working on this agreement because he wants to see more Pizza Huts in China, but I think he would not disagree that the United States has an array of export opportunities from State to State. When you add all those up, they do go as far as the ingredients that go into a pizza, all the way to the ingredients and intellectual knowledge that goes into making fancy computer chips or to make anything that China makes and sells to the world.

The tariff on agricultural products will drop. It will drop from 50 percent to 10 percent on cheese products; from 35 percent to 10 percent for lactose and whey, both of which are produced in large quantities in the States of the United States that have many dairy cows and much milk production.

It is not well known that Intel Corporation manufactures flash memory microchips in its Rio Rancho plant in New Mexico, right next to Albuquerque. Flash memory chips are used in cellular phones, digital cameras, personal computers.

The flash memory chips are sent to Shanghai for assembly and testing before they are shipped to customers worldwide. In 2000, Intel earned over $500 million in revenue from the flash memory chips manufactured in New Mexico and tested in China. Both China and New Mexico added profit to the product as it moved its way to market.

If we do not grant PNTR status to China, it is quite obvious that somebody else will take our place in each of these markets that I have described for my State in terms of being a manufacturer of products. Obviously, someplace else in the world can decide, if we are going to leave that trade barrier up, instead of reducing it 50 percent and 30 percent, as I have described, to get the business and the profit margin, where a foreign business could have the tariff rate that is not being adjusted.

China is discovering the necessity for cellular phones. I am talking about a product with which we are all becoming very familiar. There were 40 million cellular phones in China last year. This year, the estimate is 70 million. By 2003, China has projected to have more cell phones in use than any other country on the globe.

You can understand that because, you see, to some extent cellular phone use in America was inhibited by poles, with telephone lines, and telephones that are attached to them. We had that before cellular phones were invented. While we think that is great, it is a burden to the growth of cellular phones. Maybe the word ''burden'' is wrong, but at least cellular will not grow as fast.

Now enter into a Chinese city where they do not have any telephone poles, and all of a sudden they have cellular phones. They will never build telephone lines. That is why you can say they will go from 40 million to 70 million in 1 year. And who knows thereafter?

I guess we could then ask, how many telephone poles could they put in the ground? And how many telephone lines could they put up? While this was not part of my prepared text, I would speculate that they are not doing hundreds of thousands of miles of telephone lines. Why would they? They would just leapfrog to the newest technology. And that is what they began to use. That is what they will use for a long time hereafter.

Some have argued that PNTR is an attempt to move manufacturing jobs overseas. That is an argument we have to confront every time we talk about lowering trade barriers with some country in the world. It was the same argument when created the North American Free Trade zone with Mexico, I say to my good friend from New York.

Let me illustrate that this is not the case with reference to that contention. Last week, Intel broke ground on a new fabrication plant in Rio Rancho, NM. This expansion had a total cost of $2 billion.

Mr. MOYNIHAN. Two billion.

Mr. DOMENICI. It will provide 500 to 1,000 more jobs for New Mexico, highly paid, skilled jobs.

Obviously, local businesses will also profit from this expansion. That is what expanded trade with China means to Americans and to New Mexicans.

I gave you the example of the $2 billion investment because that investment is made to make one phase of the computer chip that I just described. The other phase will be done in China. Both countries will gain employment and will gain in terms of the production of items that add to our respective gross national products. I do not know which will have more. I would assume they would have a few more workers doing theirs, but we will have the master plant with the most modern technology.

The challenge to America in an international global market is the risk that we are taking, and it is singular. It is one. It is that we will not be able to produce the high-tech, high-paying jobs ahead of the rest of world and keep them here. That is really the only challenge. If we can do that, and train our people sufficiently to do that, we will win all the time because we will keep the high-paid, highly skilled jobs here, as we are currently doing vis-a-vis a country such as China or other countries in the world.

So granting PNTR to China makes practical economic policy, and it

makes good foreign policy. I think they are tied together in this case.

I have had an opportunity to talk to Henry Kissinger, who I happen to know quite well from a long, long time ago, when he came to my State with his young son who is now grown up and is involved in the movie production business. He was 13 when he joined his father in my city doing an event for me when I was a young Senator. He talked about the global policy significance, not just its economic significance. I agree. I agree that there is no doubt that this is good trade policy and good foreign policy.

Grant PNTR is practical economic policy, but it is also inescapable economic policy because it is impossible, in this era of globalization, for the United States to fence off 20 percent of the world's population and refuse to trade with them on the same trade terms we trade with others. Trade relations with China are not the same as they were in 1979 when China and the United States first resumed diplomatic relations. At that time, all trade flowed through the Chinese Government in the form of state-owned enterprises. Today the private sector accounts for nearly 70 percent of China's output. Maybe I would put it differently because some of these centers of trade, we don't know whether they are private sector, as we understand them, but the nongovernment sector, nonowned by the Government, is nearly 70 percent of the Chinese output compared with 30 percent Government-owned.

We understand the Government is not too happy with owning even the 30 percent because they really don't know how to run it. They are seeing what is happening in the competitive world, and big policy discussions are occurring there as to what do they do about that situation. They have observed and have learned what happened to state-owned businesses in the former Soviet states, and they went from total ownership to nobody wanting ownership. There was nothing in between. We have the former Soviet Union, at least Russia, with an economic production machine that has been reduced to almost nothing. We will soon be comparing the total gross domestic product of Russia with one of the smaller countries in Europe. Imagine that.

Mr. MOYNIHAN. Will my distinguished friend yield for a question?

Mr. DOMENICI. I am pleased.

Mr. MOYNIHAN. Would he know that the current best estimate is that the GDP of Russia is now approximately that of Switzerland?

Mr. DOMENICI. I wouldn't.

Mr. MOYNIHAN. And that sequence, exactly as he has described it, total ownership to no ownership, as against the transformation before our eyes, is taking place in the PRC.

Mr. DOMENICI. That is absolutely correct. I might add that what is happening in Russia, the Chinese have seen very clearly. They are never going to let that happen. We went from Government ownership to no ownership to oligarchs who substituted here in the middle who became powerful, rich people who put these businesses together; bought them from the Government. Now a few groups own more businesses than anybody expected in Russia and do not run it in any way consistent with Russia's future. It is just their own. Whether they pay taxes or not is their business. That is the way things go. It is not so good.

Let me talk about this trend that is occurring in China. I think it is excellent. It is a great sign because a growing market-based economy is the most effective path to democracy for China and should be encouraged as part of the American policy with other free nations in the world.

There have been a lot of amendments offered to this bill. I owe the Senators who offered them, individually or for themselves and others, an explanation of why I voted against each and every one. Some of them are very good. Some of them, if freestanding and not burdening a measure of this magnitude, I probably would have come down and even debated. I did not. I did not come and talk on any of them because I was not going to vote for any. It appeared to me that my responsibility as a Senator was to see that this legislation got through here, at least as much as I could. That meant don't add amendments to it that are apt to make it impossible for this legislation to get passed and sent to the President for signature.

I consider this to be the most important event of this year and maybe of a couple years. While it does not come out of my committee, I have been informed on it. I worked on it. I am very proud of the Finance Committee and in particular the chairman, the distinguished Senator from Delaware, Mr. ROTH, and obviously, the ranking member, the distinguished Senator from New York.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, before our beloved chairman of the Budget Committee, the Senator from New Mexico, leaves, may I thank him for his remarks. All anyone need say is what he has said. I would just supplement them with one comment to reinforce what he has said. We, the Finance Committee, held a long series of hearings on the bill. It happens, in the last paragraph of the last witness, the Honorable Ira Shapiro, who has been previously our chief negotiator for Japan and Canada at the Office of the U.S. Trade Representative, said 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.

He was not simply speaking of trade and the standard of living. He was talking about the large geopolitical fact of do we include one-fifth of mankind in the world's system we wish to create, we have created, and are creating, or do we say, no, you are out, and invite hostility that could spoil the next half century?

We have not. Today we voted by a two-thirds majority to go forward. I thank the Senator for his vote and his leadership throughout. It is a cheering experience in what has not been always a cheering year.

Mr. DOMENICI. Will the Senator yield?

Mr. MOYNIHAN. Mr. President, I yield.

Mr. DOMENICI. Mr. President, I thank Senator MOYNIHAN for those kinds words and for his last observation.

Perhaps Mr. Shapiro said it more eloquently than I. I consider it one of the most important events, and I described that early on as I see it.

I would add one observation. I ask the Senator if he shares this. Frankly, I think it is very important, when China is granted PNTR, when it becomes a member of WTO, that they not leave with the American people in the next few years, that they not let activity on their part happen which would let Americans think that they are discriminating against the purchase of American goods and services. If we are competitive in this world, whether it be in services or in products or in agricultural products, we don't expect China to control that through its Government but rather leave it to the free and open market or, indeed, Americans will look at this as a sham.

Mr. MOYNIHAN. Yes, sir.

Mr. DOMENICI. Our companies are telling us they can compete. I know of many areas they can compete, and they are not competing because of trade barriers, because of tariffs, and because of the selectivity of some of the governmental entities in terms of who they pick and choose. That part is a little risky on their end. It may be a small amount of product, but it could be a very big wave if they are not careful.

Mr. MOYNIHAN. Mr. President, if I might respond, there is an extraordinary symmetry to what we are doing today. Toward the end of the Second World War, when China was our ally, we gathered at Bretton Woods in New Hampshire and drew up the plans for what became the World Bank, the International Monetary Fund, and an International Trade Organization to establish common rules for trade that would be abided by, a rule of law that could be adjudicated and settled. China was a full participant at the Bretton Woods Conference. China joined the General Agreement on Tariffs and Trade after the International Trade Organization, sir, was defeated in the Senate Finance Committee.

They withdrew after the Chinese Red Army overran the mainland. But now the People's Republic has asked to come back and join the revived International Trade Organization, now the

World Trade Organization, which has rules that are to be abided by, and nondiscrimination is the first rule.

That is why this measure is so important because we could not be in the WTO with China if we had a provision that we must renew normal trade relations status once a year. No, but each of us must abide by the rules. It is now up to the vigilance of our Department of Commerce, the Trade Representative, American business, and labor unions to see to it that the rules are abided by. You can't hope for more.

Let us go forward in confidence and determination, as the Senator described. I thank the Senator.

Mr. DOMENICI. I thank the Chair.

Mr. MOYNIHAN. I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, I know my colleague from Wisconsin has been here before me. I have been asked by the majority leader to make a unanimous consent request. As soon as I make it, I hope the Chair will recognize my colleague from Wisconsin.

Mr. President, I ask unanimous consent that there be 30 minutes equally divided for debate relative to the Feingold amendment regarding a commission, with no second-degree amendments in order prior to the vote.

I further ask consent that following that debate, Senator WELLSTONE be recognized in order to resume debate on amendment No. 4120.

I further ask consent that following the use or yielding of that debate time, the Senate proceed to a series of rollcall votes in relation to the following amendments, with 2 minutes for closing remarks prior to each vote. Those amendments are as follows: Helms amendment No. 4128; Helms amendment No. 4123; a Feingold amendment regarding a commission; Wellstone amendment No. 4120.

Mr. MOYNIHAN. Mr. President, might I inquire, I understand there are to be 2 minutes of debate between each of the specified votes.

Mr. ALLARD. Yes, 2 minutes for closing remarks prior to each vote. So I assume that is 1 minute to each side. I understand this has been agreed to by the leadership on both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside so I may offer an amendment.

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

AMENDMENT NO. 4138

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

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD] proposes an amendment numbered 4138.

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

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

The amendment is as follows:

(Purpose: To make technical changes relating to the recommendations of the Congressional-Executive Commission on the People's Republic of China)

On page 44, beginning on line 4, strike all through page 45, line 12, and insert the following:

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report shall contain recommendations for legislative or executive action, including recommendations indicating whether or not a change in China's trade status is merited.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) INTRODUCTION AND REFERRAL OF RESOLUTIONS.—

(A) IN GENERAL.—Not later than 10 session days after receipt of the Commission's report by a House of Congress, the Majority Leader of that House shall introduce a joint resolution in that House providing for the implementation of such recommendations of the Commission's report as require statutory implementation. In the case of the Senate, such resolution shall be referred to the Committee on Foreign Relations and, in the case of the House of Representatives, such resolution shall be referred to the Committee on International Relations. In the consideration of resolutions referred under this subparagraph, such committees shall hold hearings on the contents of the Commission's report and the recommendations contained therein for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committees deem advisable.

(B) SESSION DAY DEFINED.—The term ''session day'' means, with respect to a House of Congress, any day on which the House of Congress is in session.

(2) PROCEDURE FOR DISCHARGE OF COMMITTEES.—If the committee to which is referred such resolution has not reported such resolution at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(3) MOTION TO PROCEED.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(4) The provisions of paragraphs (1) through (3) are enacted by

Mr. FEINGOLD. Mr. President, this amendment will increase the strength and the relevance of the Congressional-Executive Commission on the People's Republic of China.

It is no secret that I oppose H.R. 4444, the bill extending permanent normal trade relations to China. I believe it is a mistake to institutionalize a separation between our trading relationship with China and our concerns regarding the deteriorating human rights situation in China. I believe this compartmentalization of American interests makes for policy that is confused, contradictory, and ultimately ineffective.

I am not blind to the numbers; I am not blind to the likely votes. This bill stands an excellent chance of passing the Senate, and we are dealing with legislation likely to become law. So I choose to take seriously the efforts made in the other body to somehow integrate human rights concerns into this legislation.

Perhaps I am supposed to assume those efforts are simply window dressing, mere political cover for those who feel obligated to address human rights issues but who are also disinclined to impede this trade initiative with inconvenient complications. But I reject that assumption. If this bill passes, as it probably will, the Congressional-Executive Commission on the People's Republic of China will be important both in substance and as a symbol. It may well be the only remaining bridge in our China policy between this country's highest values and the pursuit of profit for the few. It will be the watchdog, in a sense, responsible for ensuring that our trade policy undermines neither our national values nor our national character. Its structure and its mandate will carry this burden. So I do think this commission deserves our serious consideration.

As currently constructed, the commission would produce an annual report. But it would not be required to include policy recommendations in this report, and neither the House nor the Senate would actually be required to debate the report or to hold any kind of vote on it. In short, the commission would be extremely weak and then, of course, could be easily be marginalized.

My amendment would strengthen the commission in several ways. First, it would require that the commission's report contain recommendations for legislative and/or executive action,

rather than simply permitting such recommendations. As the debate on this bill has shown, we do not lack for reports of gross human rights violations in China. But simply stating the facts is not enough; our actions must reflect acknowledgement of those facts. Thick reports and handwringing in and of themselves do not serve U.S. interests. Policy recommendations have to be an explicit part of the commission's mandate.

In addition, this amendment would require that legislative proposals contained in the report be considered by both the House International Relations Committee and by the Senate Foreign Relations Committee. As it now stands, this commission reports only to the House. I urge my colleagues in this body, the Senate, to recognize that the Senate needs to consider this report and its recommendations as well. We cannot leave this important work solely to our House colleagues and, in effect, wash our hands of it. We must protect the Senate's prerogatives and ensure that both Chambers of this Congress engage with this important commission.

Finally, this amendment lays out a procedure by which this commission's recommendations could be considered by this body rather than simply gathering dust and assuaging consciences on our office shelves. It would establish a procedure, one that is not unfamiliar or unprecedented, whereby commission recommendations, in the form of a resolution, would be considered by the appropriate committees. These committees would then hold hearings to review these recommendations, allowing for public comment and opening up this process to democratic participation and actual debate.

Critically, after committee consideration, any Member of the House or Senate would have the right to call up the resolution on the floor. This amendment ensures that the crucially important issues covered by the commission can be considered by any Member, not only the members of certain committees. As it now stands, only members of the House International Relations Committee would have the power to consider and weigh the commission report. That seems very odd to me for a bicameral legislature. This amendment provides a mechanism for moving the substance of commission recommendations onto the floor and into the realm of full congressional consideration.

This is hardly an extreme proposition. My amendment would give this commission greater relevance, rather than relegating it to bureaucratic limbo. Relevance seems like an eminently reasonable goal for a body charged with the critically important work of reconciling U.S. support for human rights with the U.S. trade policy toward China.

Those toiling in forced labor camps are relevant. This body ought to behave as if they are relevant. The Tibetan and Chinese people, fighting every day for religious freedom, are relevant. Victims of torture are relevant. The Congressional Executive-Commission on the People's Republic of China is where these people will now have to find their place in U.S. policy. I urge my colleagues to take this seriously and give it the strength it needs to be meaningful.

I reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. Mr. President, the Republican floor manager has indicated I could use his time to talk about this important piece of legislation. I don't have any remarks I am going to direct specifically to the amendment; although, I find myself in the same position as the Senator from New Mexico, Mr. DOMENICI, in that there are many amendments that, under different circumstances, I may very well have found myself supporting. But because I think this is such an important piece of legislation, I have decided to oppose any amendments that will be made to this bill because I think it will put it in jeopardy, and the chances of it passing the House are, from what I understand, not good if we put Senate amendments on this side.

I think we will have an opportunity in the future to address some of the amendments that were attempted to be made to this particular piece of legislation. Under those circumstances, as I mentioned earlier, I will probably support them.

I think this is a very important piece of legislation for this country. It is a very important piece of legislation as far as the State of Colorado is concerned. The State of Colorado has experienced tremendous growth in exports, and I attribute that to the type of industry we have in the State of Colorado. We are primarily agriculture and light manufacturing, which includes high-technology. Those are areas where we have had a lot of growth in exports nationwide. Colorado has been the benefactor of that.

I have come to the belief that we need to work to open trade barriers. When we open these trade barriers, democracy is exported and we prosper economically. Colorado would be one State in the Nation that would be a good example of that.

Western civilization has been trading in some manner with China since the Roman Empire anchored one end of the Silk Road. But it will not be until we pass this bill before us that our culture will have access to free and open trade with this massive country called China.

I am glad most of us have recognized that the term ''most favored nation'' was a misnomer. This country needs to remember that China will not actually be ''favored.'' China will be equally treated as we treat the other 137 World Trade Organization countries such as Cyprus, Jamaica, and Djibouti, or the newest WTO member nation, Albania. We are not singling China out for special treatment, nor are we ushering them into the community of nations. The World Trade Organization exists separate from our decision.

I am struck most by this fact: That if the United States does not pass permanent normal trading relations, it does not keep China out of the WTO. It just keeps America from benefiting from China's presence in it.

China has 1.3 billion people, a purchasing power of $4.42 trillion, and a yearly import market of $140 billion. Nearly 20 percent of the world lives within its borders—a fifth of the world. And many of the Chinese people are just beginning to desire Western products such as those made in Colorado—luxury goods, communication gear, computers, software, western beef, wheat, and so much more. The rest of the world is scrambling ferociously to pass their own version of PNTR to capture the China market.

If we turn down this opportunity or if we amend it into practical nullification, we will not stop China's human rights problems; we will not force China to accept freedom of religion, speech, or other individual liberty. All that will happen is the United States will be denied the loosening of tariffs and import controls that the rest of the world nations will gain.

If Congress balks at PNTR this year, 137 nations other than the United States will benefit from free trade with China while American workers, farmers, ranchers, and small businesses are denied equal access.

Everyone knows we trade with China now. Colorado exported $166 million worth of goods to China in 1998. Colorado Springs alone, one of our larger metropolitan areas, exported $41 million. Denver, another of our larger metropolitan areas, exported $16 million to China. And these numbers are only going to grow. If we grant China PNTR, Colorado will be assured a more prosperous future. Why? Because with PNTR–WTO membership, China will have to lower their average tariffs on U.S. goods from 24 percent to 9 percent. They will have to cut average agricultural tariffs in half and eliminate all tariffs on high-tech goods. But Colorado and the United States will not have to undergo similar market restructuring. The United States already has open markets and engages in free trade.

It is China that will have to open their markets and end their protectionism to benefit from WTO membership. This will then facilitate more trade and higher profits for Colorado companies and Colorado workers.

Why is China doing this? Because they know what we do. Free trade benefits those who practice it.

Many export producing jobs pay better than basic service sector jobs. Increasing trade generates more jobs of a higher quality, and that presents more opportunities for workers.

For instance, since NAFTA, Colorado has increased exports to Mexico by $300 million. China PNTR will add to this export total.

If we were to set aside economic reasons, there are still many other reasons to favor PNTR. The first is humanitarian.

History has shown that it is the isolated, closed societies that are the most brutal and repressed. International contact—such as would be brought about by increased trade, with businessmen, foreign goods, exchanges, corporate presence and marketing—would serve to increase access to a higher standard of living and a better quality of life.

We would be able to up-grade the everyday lifestyle of the ordinary people of China, and that is not an opportunity to be ignored by those who seek to aid the world's less fortunate.

The number one export from America is democracy.

PNTR will not only tear down the trade barriers for Colorado's workers, farmers, and small businesses, it will also flood the Chinese culture with the American ideals of liberty and democracy.

When the freedom protesters took over Tiananmen Square in 1889 and built a replica of the Statute of Liberty, they were not just expressing support for the type of freedoms enshrined in our political documents.

They were expressing a desire for the liberty and benefits of a modern, vibrant, and free United States that they saw on the current world stage.

By increasing our relations with China, we can side step the admittedly authoritarian regime in Beijing, and deal with the people themselves through our products and our communications.

The Soviet Union did not fall because we passed resolutions against them. It did not fall because we had bitter debates about their human right records, and it did not fall because we regularly reviewed their civil liberties.

It fell for two reasons that remain relevant today: The Soviet Union fell because the oppressed people of Eastern Europe grew tired of being left behind by the western prosperity they saw, and because their leaders realized that President Reagan would not let them take that prosperity by force. Unable to keep up with the western nations, they fell behind and eventually fell apart.

We need to remain aware of and secure against China's sometimes blatant hostility to us and our ideals. But we have less to fear from a China that shares an engaged, mutually beneficial relationship than from an excluded China shut out of our markets.

Taiwan, the nation most under the gun from an aggressive China, supports Chinese PNTR/WTO membership for this very reason. It suggests that they too hope that increased trade will overwhelm the communist system and force it to grow and develop into a more mature, efficient, and equitable system.

Some oppose trade agreements because of security concerns. Trade agreements are not the reason for the loss of our nation's military secrets.

We have seen serious security lapses in the Department of State, Department of Defense, Department of Energy, and our national laboratories. The responsibility of protecting our national secrets lies with the Administration, not our trade policies.

The most recent Department of Energy security blunder, losing two hard drives, coupled with the discovery of bugging devices in State Department conference rooms and the mishandling of classified information by the recently dismissed Director of the Central Intelligence Agency, builds a very strong case for this administration's blatant disregard for protecting our national security secrets.

However, these wrongs pale in comparison to the Secretary of Energy's decision to ignore the public law enacted by Congress last year to establish a semi-autonomous National Nuclear Security Agency to correct known security deficiencies within his department.

Fortunately, the recent Los Alamos incident expedited what had become a stalled effort to confirm General John Gordon as Director of the newly formed NNSA. With General Gordon in place, I sincerely believe we will finally get some action to hasten security reform within this agency.

But these acts, all pre-PNTR, highlight a simple truth—weapons proliferation, national security, and defense are functions of a nation's leaders, not its merchants.

If we want a strong, pro-active national defense that diligently maintains our vital interests, we can not expect to let trade agreements alone shoulder that burden.

It is my hope that the upcoming vote will confirm America's commitment to free trade, international participation, and mutually beneficial capitalism. That is why I will be voting in favor of China PNTR and against any amendments.

I yield the remainder of my time.

The PRESIDING OFFICER (Mr. VOINOVICH). The Senator from Wisconsin.

Mr. FEINGOLD. It is my understanding that the Senator from Colorado has yielded time in opposition to my amendment.

Mr. ALLARD. I yield my time on the floor and I reserve the time we have in opposition.

Mr. FEINGOLD. I am prepared to yield back my remaining time.

Mr. ALLARD. I want to make sure the floor manager is comfortable yielding back on our side; if so, I yield back the remainder of time.

Mr. ROTH. I suggest to the Senator from Colorado that I will make a few comments.

Mr. ALLARD. I yield my time.

Mr. ROTH. Mr. President, I rise in opposition to the Feingold amendment.

This amendment would change the mandate of the Levin-Bereuter Commission created by H.R. 4444 by mandating that it make recommendations to the Congress on legislative actions. Such recommendations would have to be introduced in each body, be referred to the Foreign Relations Committee and the International Relations Committee, and be considered by those committees and the Congress under rules similar to ''fast track.''

I oppose this amendment for many reasons. As a jurisdictional matter, I oppose a change in the rules of the Senate that would refer a revenue measure to a committee other than the Finance Committee, as this amendment would do if the Commission recommended a change in the trade status of China, and I urge all Finance Committee members to support me.

Second, I see no need to compel a recommendation out of the Commission. As outlined in the mandate of the Commission, if they choose, they may make a recommendation to the Congress on legislative action. Compelling the Commission to do so strikes me as misguided.

Third, I see no need to fast track a recommendation by the Commission. The Congress can consider any recommendation by the Commission under the regular order, just as we are considering PNTR.

Finally, as I have outlined with every amendment, I believe the adoption of this amendment would unnecessarily risk slowing the underlying bill down. Therefore, I view a vote for this amendment as a vote to kill PNTR.

Mr. FEINGOLD. Mr. President, I will briefly respond to the comments of the distinguished chairman.

Yes, this amendment, in terms of the commission that was established in the House consideration of the bill, says there ought to be some recommendations coming out of this commission, there ought to be some reality. This is all we will have left of the opportunity to consider issues such as human rights in connection with China's trade status.

Instead of just having a series of documents or volumes on a shelf gathering dust, we suggest there ought to at least be a requirement that there be recommendations coming forward. That seems to me to be very modest. This is not something that would in any way undercut the legislation or the purpose of the legislation. It would simply make sure that the work of the commission results in some recommendation.

What strikes me as even more strange about opposition to this amendment is that the distinguished chairman would leave this commission to be only a commission that reports to the House of Representatives. He would prefer that a commission that apparently is a serious commission, one that the chairman will support, as

he votes for final passage of the bill, should not report to this body. I would think his institutional concerns of having to do with proper referral to one committee or another in a revenue bill would also apply to the notion that a report should go to the Senate as well as to the House on something as significant and weighty as the question of human rights and other issues in connection with China's trade status. I find it baffling that the main proponent of this bill would not agree that this Senate should receive the report, as well as the House.

The Senator makes the point, as well he should as chairman of the Finance Committee, that he believes there may be some concerns about proper jurisdiction in terms of committees. I am a member of the Senate Foreign Relations Committee, so I definitely believe this should go to the Senate Foreign Relations Committee.

But I have no problem with certainly inviting an amendment that calls for a joint reporting to both the Senate Foreign Relations Committee and the Senate Finance Committee. It seems to me that would take care of that concern. I know of a number of cases in my brief time in the Senate where we have had these joint referrals, and that would take care of the chairman's concern.

Not only is this amendment not threatening to the underlying purpose of this legislation, it is simply an amendment that balances the purpose of this commission so that it has some relationship to the structure of our Congress. It says there ought to be recommendations given and they should be reported to the Senate as well as to the House; that the Senate Foreign Relations Committee should continue to consider these recommendations, as it has done in the past.

I can't think of a more modest amendment one could raise with regard to this bill. It is based on a commission that was already approved overwhelmingly in the House of Representatives and supported by all of those who support this legislation. All we are trying to do is have a similar requirement with respect to a report in the Senate. It couldn't be more modest. It is a sign of how desperate the proponents of this legislation are to get this thing through without even the possibility of a modest, logical change such as having the Senate as well as the House receive a report.

I reserve the remainder of my time.

Mr. President, I am prepared to yield the remainder of my time if the opposition to the amendment will do the same?

Mr. ROTH. Mr. President, I yield the remainder of the time on our side.

Mr. FEINGOLD. I yield back the time.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, my understanding is we are now considering amendment No. 4120.

Mr. President, this amendment would delay the effective date of PNTR until the President can certify that China has provided a full accounting of activists who have been detained or imprisoned for their labor activities and China is making ''substantial progress'' in releasing these activists from prison.

What we are really talking about here is that this amendment calls upon the President to delay the effective date of PNTR until we get from China an accounting of those citizens who have now been imprisoned in China because they have tried to exert their human rights to organize and bargain collectively so they can make a decent wage, so they can work under civilized working conditions, so they can support their families.

What we are talking about is we want to see some evidence that China has made substantial progress in releasing these activists from prison. We do not have an exhaustive list of all the labor activists who are now serving prison terms in China. There are many of them about whom the facts are unknown. That is one of the reasons this amendment calls on China to provide a full accounting. But I will draw from what empirical evidence I have as a Senator, a Senator who is concerned about human rights and the right of people to be able to organize their own independent unions. I will draw from two sources of information. The first is the U.S. State Department Human Rights Report which actually confirms that the Chinese Government has been persecuting and incarcerating labor activists.

According to the State Department:

> Independent trade unions are illegal. . . . Following the signing of the International Covenant on Economic, Social, and Cultural Rights in 1997, a number of labor activists petitioned the Government [Chinese Government] to establish free trade unions as allowed under the Covenant. The Government has not approved the establishment of any independent unions to date.

Now I will talk about some specific examples. First, I will draw from the State Department report—our State Department report of this past year.

Two activists in January were sentenced to reeducation through labor for 18 months and 12 months, respectively. Why were they arrested? They were leading steelworkers in a protest because they had not been paid wages.

In January of this year, another activist, the founder of the short-lived Association to Protect the Rights and Interests of Laid-Off Workers, unsuccessfully appealed a 10-year prison sentence he received—10 years in prison. He had been convicted—for what? ''Illegally providing intelligence to a foreign organization.'' What was that foreign organization? It was a Radio Free Asia reporter, and he was talking about worker protests in Hunan Province. For that, a 10-year prison sentence. Do we not care about this?

In April of this year workers announced the formation of the Chinese Association to Protect Workers' Rights. In July, a labor activist and China Democracy Party member was arrested on subversion charges. He was arrested after taking part in a workers demonstration outside the provincial government building. He was sentenced to 6 years in prison.

In July, another labor activist was sentenced to 10 years, and two others were sentenced to 2 years in prison for subversion. What is it that they had done wrong? They were out there trying to organize workers and the family of one of these activists alleged that the police hung him by his hands in order to extract information on fellow dissidents.

In August, another labor activist in China was given a 10-year prison sentence for illegal activities in the 1980s, and more recently he was also thrown in prison because he had organized worker demonstrations. This time he was convicted for providing human rights organizations overseas with information on protests—a 10-year sentence, prison sentence, for a man who had the courage to try to organize people and who then went to human rights organizations overseas with information about worker protests in China. He is now serving 10 years in prison.

Don't you believe we could at least ask China to provide us with some credible information that they were now letting these people out of prison; that they were doing something about all of the people who have been imprisoned?

This list is compiled by the ILO—Senator MOYNIHAN talked about the ILO yesterday on the floor of the Senate. A 28-year-old worker in a Hunan Province electrical machinery factory, was sentenced in 1989 to a life sentence for hooliganism. His reduced sentence is being served in prison and he now has been told he will get out in the year 2007.

A manual worker in Shanghai and a member of the Workers Autonomous Federation was sentenced in 1993 to 9 years in Shanghai prison for organizing a counterrevolutionary group. That from the ILO—my evidence.

A worker, organizer of another Workers Autonomous Federation was sentenced to 13 years imprisonment—for hooliganism again. That is the charge any time you demonstrate, any time you try to organize people, any time you have the courage to stand alone and speak up for democracy.

Another worker in Hunan, again, Yueyang City in Hunan, organizer of the Workers Autonomous Federation, was sentenced to 15 years—same charge, hooliganism.

A 39-year-old lecturer in the Comparative Literature Department at the Language Institute in Beijing was sentenced in 1995 to 20 years in Prison No. 2 for organizing and leading a counterrevolutionary group, and for committing counterrevolutionary propaganda and incitement.

A 30-year-old medical researcher in the Department of Psychiatry at Beijing's Anding Hospital was sentenced to 17 years in Prison No. 2 in Beijing for organizing and leading a counterrevolutionary group.

A 40-year-old worker at a chemicals accelerator fluid plant in Beijing was sentenced to 13 years in Prison No. 2 for organizing and leading a counterrevolutionary group.

Another activist was sentenced to 11 years in prison for organizing and leading a counterrevolutionary group.

Colleagues, I have other names and other examples. But I think there are several reasons why we should be concerned about the persecution and imprisonment of labor activists in China.

First of all, labor rights, the right to organize, recognized by international law, are a fundamental human right. When men and women have the courage to stand up for justice at the workplace, they ought not be locked up, they ought not be treated like animals, they ought not be serving 10-, 12-, 14-year prison sentences in China, and we should speak up for them.

Labor rights have been recognized in the documents that enshrine the most basic principles of human rights. The Universal Declaration of Human Rights in 1948 states, ''Everyone has the right to peaceful assembly and association. Everyone has the right to form and join trade unions for the protection of his''—and I would add ''or her''—''interests.''

In a speech before the Industrial Relations Research Association in Boston this past January, former World Bank chief economist Joseph Stiglitz laid out an argument that economic development needs to be seen as part of a transformation of society and that workers organizations, the right to form a union, is key to this developmental process.

Do my colleagues know what he was saying? He was saying what we know: Independent unions and the right to form an independent union means you make a better wage; it means you have people who have enough money to consume; it means you are building a middle class; it means you have more economic justice; it means you have more stability. That is what Mr. Stiglitz was trying to say.

I will give my colleagues one more example of this brutality. An April 23, 2000, story in the Washington Post reported:

> The number of labor disputes in China has skyrocketed — to more than 120,000 in 1999— as workers, in unprecedented numbers get laid off, are paid late, or not paid at all and feel cheated by corrupt officials who sell state property for a pittance to friends, relatives, and colleagues.

We are talking about unsafe working conditions. We are talking about low wages. We are talking about the fundamental right of workers in China to organize and the compelling need, I believe, for us to support this right.

I will finish in a moment so we can have some votes, although I am anxious to hear whether there is any response. Above and beyond the human rights question, above and beyond the fact that we should not be silent—I have said this for the last several days—above and beyond the fact that we should be willing to speak up and vote for the rights of people to organize independent unions in China, we should not let this Government with impunity put people in prison for 12, 14, or 16 years because they have done nothing more than try to speak up for themselves and form a union so they can make a decent wage and they can support their families.

There is another reason. Senator SARBANES spoke about this on the floor of the Senate the other day. It is this: What we are going to see is not necessarily more exports to China but more investment in China. If we do not speak up for the right of workers to organize in China, China will become the export platform in this new international economy that we talk about, and it will be a magnet for any kind of company that wants to go there that knows it can freely exploit workers, pay workers 3 cents an hour, 10 cents an hour, 6 cents an hour, 20 cents an hour, all of which is happening right now, working people from 8 in the morning until 10 at night with a half an hour, at most, for a break. That is what we are going to see.

I do not know how many Senators will consider this before they vote, but if you do not want to vote for this amendment for human rights for workers in China, vote for this amendment for the people you represent in your own States because I am telling you—and this is just the future I am predicting—that our failure to adopt these amendments, our failure to focus on human rights, our failure to vote on human rights, our failure to vote on religious freedom, our failure to vote on the rights of people to organize and bargain collectively is going to lead to a new international economy where China, with the size of the country and the population, will become a magnet, it will become a low-wage export platform, and the people in your States are going to say to you: Where were you when you were asked to vote for us? Now you are saying to us, Senator, that you want us to compete against people who get paid as little as 3 cents an hour under the most brutal, exploitative labor conditions, and now we are losing our jobs as companies are leaving our States to go to China, and you had a chance to vote for the right for people to organize in China so they could make a decent wage and those workers would not be played off against us, and you didn't vote for it?

My colleagues should vote for this amendment because a vote for this amendment is not only a vote for human rights in China, not only a vote for the right of people to organize in China, but, most important of all, what this amendment is really about is simply saying to the President, before going forward with normal trade relations with China, at least—and I want to read this again—at the very minimum, the President needs to certify China has provided a full accounting of these activists who are detained or imprisoned for their labor activities.

That is all the amendment asks, and China can show it is making substantial progress in releasing these activists from prison. That is what this amendment is about.

In a broader sense, this amendment is also about the right of people to organize and bargain collectively, and this is an amendment that says why should the people we represent in our States be put in a situation where they lose their jobs and where our communities lose businesses that go to China because they know they can pay miserably low wages, where people wind up in prison if they should dare get a better job, where they can actually export products made with prison labor, and we are not voting for amendments that give the people we represent in our own States some comfort that they themselves are not going to lose their jobs because of these absolutely brutal working conditions.

I do not think it is too much to vote for an amendment that asks for only one little piece of this. We will delay the effective date of PNTR until the President can certify that the Chinese Government has provided a full accounting of those people who have been detained or imprisoned for doing nothing more than trying to organize or trying to stand up for themselves and their families, and some accounting that this Government is releasing these innocent men and women from prison who have done nothing more than protest deplorable working conditions or tried to form an independent union. That is what this amendment is about.

I conclude this way, which is the way this debate started. We are forever being told that we live in a global economy, and that is true. For some reason, too many of my colleagues do not want to recognize the implications of this. For me, if we are now working and living in a global economy, that means if we are truly concerned about human rights, we can no longer just concern ourselves with human rights at home.

If we are truly concerned about religious freedom, we can no longer only concern ourselves with religious freedom at home. If we are truly concerned about the right of workers to organize and bargain collectively, and earn a better living for themselves and their families, then we can no longer concern ourselves with labor rights only at home. If we are truly concerned about the environment, we can no longer concern ourselves with the environment only at home.

I will say it one final time: The men and women in this world, who have been engaged in human rights issues, have long understood an essential, basic truth which is this: Americans,

Senators can never be indifferent to the desperate circumstances of exploited and abused people in the far reaches of the globe. When the most basic human rights and basic freedoms of others are infringed or endangered, we are diminished by our failure to speak out.

This amendment is a test case of whether or not we are willing to speak out. I say to my colleagues, since this is my last amendment, I believe we have made a big mistake—we will see what history shows us—in the rush to pass this piece of legislation. I think we have made a mistake because I believe the consequences, over the next 2, 3, 4, 5, 6, 7, 8, 9, 10 years will be very harsh.

I believe the economics in this global economy we are all talking about will become a major axis of American politics. I believe the people that we represent are going to want to know where each of us stood. I believe we should have been making the effort to make sure this new global economy—with China being such a major actor—would be an economy not only working for big multinational corporations and big financial institutions, which I know are very interested in passing this, but it would also be a global economy that works for working people, a global economy that works for human rights, a global economy that works for children, a global economy that works for the environment.

I will say—and I am sorry because none of us can be sure we are right; and I understand that—I have not, in the course of this debate, seen very many Senators come out and present any empirical evidence to the contrary of what I have had to say about these basic rights of people. Why is it that we just turn our gaze away from this? I do not understand it.

I also think we have made a mistake in another way, I say to the Presiding Officer. I think we have made a mistake in the stampede to pass this legislation, in this rush to passage, in this argument that we dare not even pass an amendment. Even if it deals with the right of people to practice their religion, even if it puts the U.S. Senate and our country and our Government on the side of human rights, we cannot do that because then it would go to conference committee. I do not understand that argument, not when you think about what the stakes are, not when you think about this in personal terms.

Whatever happened to the voice of the Senate? Whatever happened to the strong clarion call for the Government of China, and all governments in the world, to respect the human rights of their citizens? Whatever happened to our justice voice? Whatever happened to our human rights voice? Why were these concerns trumped by this headlong stampede and rush to pass this legislation?

I conclude my remarks this way: We will see what happens in the future.

I thank my colleagues for their graciousness. I hope Senators will vote for this amendment.

I yield the floor.

(Disturbance in the galleries.)

The PRESIDING OFFICER. The galleries are advised not to show any type of approval or disapproval.

Mr. ROTH. Mr. President, I rise in opposition to my colleague's amendment. I do not intend to address the merits of his proposal as a matter of U.S. labor law. Rather, my point is a far simpler one.

The current business of this body is a bill to normalize our trade relationship with China. This amendment simply does not belong on H.R. 4444 and has nothing to do with China's trade status under our law.

But, the price of adopting the amendment could be very high for every working man and woman in the United States. The reason is that the amendment could result in delay or defeat of PNTR and the grant of PNTR is the one step we absolutely must take to ensure that American workers, together with American farmers and American businesses, reap the benefits of China's market access commitments under the WTO.

What we would be sacrificing is, according to independent economic analysis, $13 billion in additional U.S. export sales annually. Expanding our export sales, as has been reiterated a number of times already in this debate, creates new jobs. And I point out, jobs in U.S. export sectors pay 15 percent more and provide 32 percent more in benefits than average.

What that means in practical terms is that the passage of PNTR and the exports we expect to expand under the WTO agreement with the Chinese provide real, tangible benefits to workers in American society.

I ask, as a consequence, that my colleagues join me in opposing the proposed amendment.

I ask the Senator from Minnesota, are you ready to yield back time?

Mr. WELLSTONE. I have a very quick response to my colleague.

Mr. President, I ask unanimous consent that an article in the Washington Post, dated January 11, 2000, entitled ''No Workers' Paradise'' be printed in the RECORD.

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

[From the Washington Post, Jan. 11, 2000]

NO WORKERS' PARADISE

(By John Pomfret)

SHENZHEN, CHINA—Fei Mingli, a slight teenager from Sichuan province, came to this bustling Chinese factory town in 1998 to seek her fortune in a textile factory, cranking out bluejeans and tank tops for the Western world. Sometime after midnight July 22, she went out for a walk.

Dogs patrolling the factory grounds attacked the 17-year-old, breaking her right leg and ripping chunks from her nose, head and elbows. Fei had violated a company rule that ordered all workers locked in their dormitories by midnight. She was hospitalized for 62 days.

When her father came to Shenzhen asking for compensation, the factory bosses added insult to her injuries by firing the girl and paying only medical expenses.

Fei's case could have sunk into the oblivion of hundreds of thousands of others like hers in China, where workers' rights are routinely sacrificed at the altar of economic development. But Fei and her father beat a path to a man who has become famous for standing up for workers in a country with one of the worst occupational safety records in the world.

Lawyer Zhou Litai took the case, and late last year, after proving that the factory did not have a dog permit and that there had been six similar attacks since 1994, he won Fei a $6,000 settlement—a big chunk of change in a country where millions of laborers barely clear $1,000 a year.

''Lawyer Zhou is a good man,'' said Fei Zhongming, Mingli's father. ''Without him, we would have had nothing. He won justice for us.''

China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers. With China preparing to enter the World Trade Organization, the United States and other advanced nations have pushed for some type of binding international labor standards; this was one of the issues behind demonstrations during he WTO's meeting in Seattle in November. But China and other developing countries have opposed such standards.

In the first nine months of last year, 3,464 miners died in China—about the same as 1998—one of the worst rates per ton of minerals mined in the world. The only place where official statistics have been released for industrial accidents is Shenzhen. In 1998, 12,189 workers were seriously injured and 80 died in industrial accidents in its 9,582 factories, although the real number is believed to be much higher.

More than 90 percent of those injured lost a limb. Statistics from the state hospital in Shenzhen's Bao'an county tell a gruesome tale. In the hospital's Building 7, 47 patients have lost hands; in Building 6, 21 patients have third-degree burns; in Building 5, 42 patients have lost legs.

After a ferry sank in November, killing 280 people, China's Communist Party leadership called for a nationwide workplace safety inspection campaign and acknowledged that despite years of hand-wringing about the importance of safety, serious health and safety hazards remain.

''Since 1980, labor standards in China have gotten worse,'' said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues. ''In the state sector, workers are losing their jobs, so labor standards are almost as bad as foreign-funded or private-sector factories in inland provinces. . . . As for foreign-funded factories, exploitation and abuses have not diminished in the 1990s. If anything, because of the Asian economic crisis, it has gotten worse.''

Attempts by workers to seek help from the government usually end in failure. The Communist government only allows one union to exist—the All-China Federation of Trade Unions—and it has crushed any attempt to organize independent unions. The ACFTU is generally viewed as a mouthpiece for the Communist Party, although in recent years it has fought quietly against some policies and laws that are clearly antilabor.

Born in Sichuan 42 years ago, Zhou was yanked out of school by his parents in third grade and put to work on the land. When he was 17, his father sent him to the forbidding

Tibetan plateau as a soldier. He served for five years in some of the harshest conditions on earth.

In 1979, he returned to Sichuan but again had to leave home because his family was too poor to feed him. Zhou found work in a brick factory in Hunan province, making a few dollars a month lugging 220-pound bags of coal and handling scalding bricks that singed the skin off his hands, arms and chest.

''It was normal for the factory not to pay the workers,'' Zhou recalled. ''People were fired for nothing. People were beaten. It was bad.''

A friend encouraged Zhou to learn a skill. He took to law, perhaps, he said, because he was infuriated by the exploitation around him. In 1986, he set up shop in Kaixian, his home town, in a poor county close to the smoky metropolis of Chongqing.

Ten years later, Zhou took the first case that would catapult him into national prominence but also land him in serious debt. In May 1996, a husband and wife, both workers at the Happy Toy Factory in Shenzhen, were walking on the factory grounds when they were killed by a delivery truck. The factory denied responsibility for their deaths, leaving the couple's three young children and their aging parents penniless.

The grandparents and the children were living in Sichuan—source for most of the cheap labor that has driven the economic miracle along China's eastern coast. They came to Zhou as a last resort. No lawyer in Shenzhen would take such cases because local governments had warned them against ''affecting the investment environment,'' Zhou said.

As an outsider, Zhou could run a risk. He sued the Happy Toy Factory and won $40,000—marking the first time in Communist China that a court had ordered a factory to pay damages to the family of deceased workers.

Zhou's experience in Shenzhen, meeting maimed workers with tales of exploitation, 18-hour shifts, dormitory lock-downs, dog attacks and decrepit machinery, convinced him that his life's work lay not in Sichuan, but with the Sichuanese who had come to Shenzhen.

''If you don't protect your workers, it doesn't matter how good your products are,'' he said. ''You are creating a social volcano.''

Since the toy factory case, Zhou has filed 200 other lawsuits in courts around Shenzhen. He has won 30; most of the others are still pending. He sometimes works on contingency and also receives donations. Along the way, he has angered the Shenzhen city government, which tried to disbar him in 1997 but lost in court.

In late 1997, Zhou found a house in a rough-and-tumble neighborhood on the outskirts of Shenzhen. Since then, 70 injured workers, out of jobs and penniless, have lived with him.

Running the house has thrown Zhou into debt to the tune of thousands of dollars. It has not helped that some of his guests have skipped town after winning their cases without paying him for room and board.

Most of Zhou's adversaries are factories run by Taiwanese, Hong Kong or South Korean companies, which work on a contract basis for Western firms. He has yet to sue a Japanese or American company, he said, because their labor conditions are better.

Workers in Shenzhen say the most dangerous machine is a mold for plastic products called a piji. One false move and a limb can be crushed by huge metal slabs at pressures varying from 40 to 500 tons.

It was on such a machine that Peng Guangzhong lost his right arm last spring. The factory had failed to buy insurance, so his employers fired the 20-year-old immediately. Then, because of his injury, Peng's girlfriend dumped him. He attempted suicide. An arbitration committee said the factory should pay him $4,500. With Zhou's help, Peng sued and won $21,000 in court.

''Lawyer Zhou saved my life,'' Peng said. ''Without him, I'd be dead.''

Mr. WELLSTONE. I will read a couple of paragraphs from the article. This was written by John Pomfret:

China once advertised itself as a socialist workers' paradise. But in its mad rush to become a modern industrialized nation in the 20 years since economic reforms opened doors to the West, China's cutthroat system has victimized average laborers.

Then it goes on to say:

''Since 1980, labor standards in China have gotten worse,'' said Anita Chan, a senior research fellow of the Australian Research Council and an expert on China's labor issues.

I could go on and on.

I say to my colleague from Delaware, there are three parts to his argument that trouble me. First of all, this amendment has everything in the world to do with what is going on in China. This is not an amendment about labor law reform in the United States. That is an amendment I will bring to the floor at the very beginning of the next Congress. We will have a full debate about the right of people to organize in our country.

This is about China. This is about labor conditions in China. This amendment is about people who have been imprisoned because they have done nothing more than to speak out and protest against working conditions or trying to form a union.

This amendment just says, before the President goes forward, let's certify that China is willing to let these people out of prison, and that we are going to get some certification of some progress in that area. That is all this amendment is about.

The second thing I would say to my colleague from Delaware —we have had some of this discussion before—is that even if I believed he was right—and I think he is wrong—that actually we are going to see more exports that will lead to higher wages for American citizens, I do not believe people in the United States of America would be comfortable with the proposition that is being made on the floor of the Senate, at least by some, that since there is profit to be made, and more money to be made, and maybe more workers will do better in our country—which I will question in a moment—we should, therefore, turn a blind eye, turn our gaze away from these deplorable conditions; that we should not be concerned about the persecution of people who are trying to practice their religion; that we should not be concerned about human rights; that we should not be concerned about people who are imprisoned because they are trying to form a labor union. I do not believe most people in Minnesota or people in the country believe that.

Most people in Minnesota and the country believe these issues should be of concern to the U.S. Senators. We, after all, are representing people in our Nation. I think it is a very sad day when the United States of America refuses to speak out for human rights in any country.

Indeed, this will be a debate that will go on. What will happen is, given the fact that we have Wal-Marts paying about 13 cents an hour—and I have given examples of companies paying far less—China is going to become the export platform where people know that if they should dare to try to organize a union, they are going to be thrown in prison. So all these multinational corporations have carte blanche approval to go to China, pay hardly anything in wages, have people working under deplorable working conditions, and we are going to lose jobs.

We are not going to see a lot more exports. We will see a lot more investment. What better place to invest for some of the multinational corporations than a country where you know you don't have to worry about paying good wages, you know you don't have to worry about safe working conditions because, if people dare to protest or challenge this for the sake of themselves or their families, they wind up in prison. I see a very different economic future.

I yield back the remainder of my time.

Mr. ROTH. Mr. President, I yield back the remainder of my time.

VOTE ON AMENDMENT NO. 4128

Mr. ROTH. Mr. President, what is the pending business?

The PRESIDING OFFICER. The question is on agreeing to the Helms amendment No. 4128.

Mr. ROTH. Has all time been yielded back on that?

The PRESIDING OFFICER. All time has expired on the amendment. There are 2 minutes prior to the vote.

Mr. ROTH. Mr. President, I ask unanimous consent to yield back the 2 minutes on both sides.

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

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER (Mr. SMITH of Oregon). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 43, nays 53, as follows:

[Rollcall Vote No. 243 Leg.]

YEAS—43

Abraham	Boxer	Burns
Ashcroft	Breaux	Byrd
Bayh	Bunning	Campbell

Collins	Inhofe	Sessions
Conrad	Jeffords	Shelby
DeWine	Kerry	Smith (NH)
Dodd	Kohl	Snowe
Dorgan	Kyl	Specter
Edwards	Leahy	Thompson
Feingold	McConnell	Thurmond
Gregg	Mikulski	Voinovich
Harkin	Reed	Warner
Helms	Reid	Wellstone
Hollings	Santorum	
Hutchinson	Sarbanes	

NAYS—53

Allard	Fitzgerald	Mack
Baucus	Frist	McCain
Bennett	Graham	Miller
Biden	Gramm	Moynihan
Bingaman	Grams	Murkowski
Bond	Grassley	Murray
Brownback	Hagel	Nickles
Bryan	Hatch	Robb
Chafee, L.	Hutchison	Roberts
Cleland	Inouye	Rockefeller
Cochran	Johnson	Roth
Craig	Kerrey	Schumer
Crapo	Landrieu	Smith (OR)
Daschle	Lautenberg	Stevens
Domenici	Levin	Thomas
Durbin	Lincoln	Torricelli
Enzi	Lott	Wyden
Feinstein	Lugar	

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4128) was rejected.

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

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

The motion to lay on the table was agreed to.

AMENDMENT NO. 4123

The PRESIDING OFFICER. There are now 2 minutes.

Mr. ROTH. Mr. President, I ask unanimous consent that on the three remaining stacked votes, they be limited to 10 minutes.

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

Mr. BYRD. Mr. President, reserving the right to object, and I will not object, who is going to pay attention if we agree to have 10-minute votes? Does anyone want to take a bet on it? We will not defer to that request. It will still be the same old thing—15 minutes, 20 minutes, 25 minutes, 30 minutes.

I would be embarrassed. I would be embarrassed to keep this Senate waiting on me for a vote. I hope if I am ever out and the time is up, they will call it. They won't hear a peep out of me.

We ought to respect the convenience and inconvenience of our colleagues who are kept waiting here.

I withdraw my objection.

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

Mr. ROTH. Mr. President, I ask unanimous consent that we dispense with the 2 minutes before each of the other amendments on both sides.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD. Mr. President, I object to that.

Mr. LEAHY. I object to that.

The PRESIDING OFFICER. There are 2 minutes equally divided on the Helms amendment No. 4123.

The Senator from Montana is recognized.

Mr. BAUCUS. Might I inquire of the Chair whether they are 15-minute votes or 10-minute votes?

The PRESIDING OFFICER. They are 10-minute votes.

Mr. BAUCUS. I thank the Chair.

The PRESIDING OFFICER. Who yields time? Who yields time on the Helms amendment?

Mr. ROTH. Mr. President, the Senator yields his and I yield mine. I yield the 2 minutes.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to amendment No. 4123.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 23, nays 73, as follows:

[Rollcall Vote No. 244 Leg.]

YEAS—23

Ashcroft	Hollings	Shelby
Byrd	Inhofe	Smith (NH)
Campbell	Jeffords	Snowe
Collins	Kohl	Thompson
Edwards	Lautenberg	Thurmond
Feingold	Mikulski	Torricelli
Hatch	Sarbanes	Wellstone
Helms	Sessions	

NAYS—73

Abraham	Durbin	Mack
Allard	Enzi	McCain
Baucus	Feinstein	McConnell
Bayh	Fitzgerald	Miller
Bennett	Frist	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Boxer	Grassley	Reed
Breaux	Gregg	Reid
Brownback	Hagel	Robb
Bryan	Harkin	Roberts
Bunning	Hutchinson	Rockefeller
Burns	Hutchison	Roth
Chafee, L.	Inouye	Santorum
Cleland	Johnson	Schumer
Cochran	Kerrey	Smith (OR)
Conrad	Kerry	Specter
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Leahy	Voinovich
DeWine	Levin	Warner
Dodd	Lincoln	Wyden
Domenici	Lott	
Dorgan	Lugar	

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4123) was rejected.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Could the Chair inform the Senate as to how long that 10-minute vote took?

Mr. BYRD. Mr. President, could we have order in the Senate.

The PRESIDING OFFICER. The Senate will be in order.

The last vote took 16 minutes.

Mr. REID. Mr. President, I say, through the Chair to my friend from West Virginia, that I agree with him. I think that if we are going to have 10-minute votes, we should have 10-minute votes. We started these votes at 6 o'clock. It is now quarter to 7. In fact, we started before 6.

I would hope we could stick to the 10-minute limit. People have all kinds of things to do rather than sit around and wait to vote.

Mr. BYRD. Mr. President, may the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

There are now 2 minutes equally divided on the Feingold amendment.

Mr. BYRD. Mr. President, the Chair can see that the Senate is not in order. May we have order.

The PRESIDING OFFICER. Will those Senators having conversations in the well please take them to the Cloakroom.

The pending amendment is the Feingold amendment.

Mr. BYRD. Mr. President, I ask that there be order in the Senate, that staff in the Senate take seats, that staff in the Senate get out of the well.

I thank the Chair.

AMENDMENT NO. 4138

The PRESIDING OFFICER. The Senator from Wisconsin has 1 minute.

Mr. FEINGOLD. Mr. President, my amendment is eminently reasonable. This body is considering a bill that is very likely to become law. We have a responsibility to take that bill seriously, to actually examine its contents.

All my amendment will do is, first, require the Congressional-Executive Commission to make recommendations in its report. Secondly, we would require the commission to report to the Senate as well as to the House. Currently, under the bill, the commission reports only to the House International Relations Committee. And third, it will create a mechanism whereby any Member of the Senate can call the commission recommendations up on the floor so that these issues are not the exclusive purview of certain committees.

The amendment will not require the commission to affirmatively approve extension of PNTR. It will not infringe on any Member's right to amend legislation on the floor.

I think it is difficult to argue that this amendment does not improve the commission and the bill. I urge my colleagues to take this process seriously. I urge them to support this amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The Senator from Delaware has 1 minute.

Mr. ROTH. Mr. President, I oppose the Feingold amendment. Congress would, in effect, once again be asked to vote on China every year regarding the commission's recommendations on a fast-track basis. I believe adoption of this amendment would unnecessarily risk the underlying bill. I urge my colleagues to vote against it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 4138. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 18, nays 78, as follows:

[Rollcall Vote No. 245 Leg.]

YEAS—18

Byrd	Hollings	Reed
Collins	Hutchinson	Sarbanes
DeWine	Kohl	Smith (NH)
Feingold	Lautenberg	Snowe
Harkin	Leahy	Thompson
Helms	Mikulski	Wellstone

NAYS—78

Abraham	Durbin	Mack
Allard	Edwards	McCain
Ashcroft	Enzi	McConnell
Baucus	Feinstein	Miller
Bayh	Fitzgerald	Moynihan
Bennett	Frist	Murkowski
Biden	Graham	Murray
Bingaman	Gramm	Nickles
Bond	Grams	Reid
Boxer	Grassley	Robb
Breaux	Gregg	Roberts
Brownback	Hagel	Rockefeller
Bryan	Hatch	Roth
Bunning	Hutchison	Santorum
Burns	Inhofe	Schumer
Campbell	Inouye	Sessions
Chafee, L.	Jeffords	Shelby
Cleland	Johnson	Smith (OR)
Cochran	Kerrey	Specter
Conrad	Kerry	Stevens
Craig	Kyl	Thomas
Crapo	Landrieu	Thurmond
Daschle	Levin	Torricelli
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Dorgan	Lugar	Wyden

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4138) was rejected.

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

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. There are 2 minutes equally divided on the Wellstone amendment.

The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, may we have order in the Chamber before I start?

The PRESIDING OFFICER (Mr. ROBERTS). The Chamber will come to order.

AMENDMENT NO. 4120

Mr. WELLSTONE. Mr. President, I have cited both the State Department Report on Human Rights and the International Labor Organization report this past year of courageous men and women who have done nothing more than protest deplorable working conditions and try to organize and bargain collectively and are now in prison.

This amendment simply says that PNTR depends upon an accounting from the Chinese Government about these people who are in prison and helps Congress in releasing these people from prison. I say to my colleagues, I believe during this debate we have put human rights concerns aside; we have put the rights of people who practice religion aside. These questions dealing with human rights, whether people are free to practice their religion, or whether people are free to protest deplorable working conditions, are important concerns. Thank you for giving me the opportunity to speak out on these. I hope I will get a good vote.

The PRESIDING OFFICER. The Senator's time has expired. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, this amendment would unilaterally impose conditions on the normalization of our trade relations with China that would backfire by effectively barring access of U.S. companies to the Chinese markets on terms at least as good as other WTO members. The amendment would also eliminate the positive force that American companies can play in the Chinese market by potentially leading to the delay in PNTR and cutting off the benefit of China's market access commitment for U.S. firms.

The amendment would have the perverse effect of narrowing the private sector in China in which some limited organizing is permitted. The point of this bill is to level the playing field between the United States and China, all of which would be forfeited if this amendment passes and becomes law.

I yield the remainder of my time.

Mr. WELLSTONE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to the amendment No. 4120.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Washington (Mr. GORTON) is necessarily absent.

Mr. REID. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from Connecticut (Mr. LIEBERMAN) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?—

The result was announced—yeas 22, nays 74, as follows:

[Rollcall Vote No. 246 Leg.]

YEAS—22

Ashcroft	Harkin	Sarbanes
Bayh	Helms	Smith (NH)
Boxer	Hollings	Snowe
Byrd	Hutchinson	Specter
Collins	Inhofe	Torricelli
Dorgan	Leahy	Wellstone
Feingold	Mikulski	
Gregg	Reed	

NAYS—74

Abraham	Enzi	McCain
Allard	Feinstein	McConnell
Baucus	Fitzgerald	Miller
Bennett	Frist	Moynihan
Biden	Graham	Murkowski
Bingaman	Gramm	Murray
Bond	Grams	Nickles
Breaux	Grassley	Reid
Brownback	Hagel	Robb
Bryan	Hatch	Roberts
Bunning	Hutchison	Rockefeller
Burns	Inouye	Roth
Campbell	Jeffords	Santorum
Chafee, L.	Johnson	Schumer
Cleland	Kerrey	Sessions
Cochran	Kerry	Shelby
Conrad	Kohl	Smith (OR)
Craig	Kyl	Stevens
Crapo	Landrieu	Thomas
Daschle	Lautenberg	Thompson
DeWine	Levin	Thurmond
Dodd	Lincoln	Voinovich
Domenici	Lott	Warner
Durbin	Lugar	Wyden
Edwards	Mack	

NOT VOTING—4

Akaka	Kennedy
Gorton	Lieberman

The amendment (No. 4120) was rejected.

Mr. ROTH. I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, with the consent of my friend from Delaware, the manager of this bill, I ask unanimous consent, upon disposition of H.R. 4444, the Senate proceed to the consideration of Calendar No. 152, H.R. 1259, the Social Security lockbox bill, and that it be considered under the following time limitation: 2 hours for debate on the bill equally divided between the managers; that Senator CONRAD have a Social Security-Medicare lockbox amendment; that Senator GRAHAM of Florida have a Medicare prescription drug amendment; that other relevant first-degree amendments be in order; and that relevant second-degree amendments be in order.

Mr. CRAIG. I object.

The PRESIDING OFFICER. An objection is heard.

The distinguished Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I ask consent that time on all remaining first-degree amendments be limited to no more than 1 hour, to be equally divided in the usual form, and that no second-degree amendments be in order prior to the vote, and limited to the ones described below. I further ask consent that following these amendments in the allotted time specified below, the bill be advanced to third reading and passage occur, all without any intervening action or debate. I also ask that

no motions to commit or recommit be in order.

Those remaining first-degree amendments are as follows: Feingold, regarding a commission; Hollings No. 4134; Hollings No. 4135; Hollings No. 4136; Hollings No. 4137; B. Smith No. 4129, divisions I through V.

I further ask consent that there be 6 hours equally divided between the two leaders for general debate on the bill, with the following Members recognized just prior to final vote on H.R. 4444, in the order stated: 60 minutes under the control of Senator BYRD, 30 minutes under the control of Senator HELMS, 30 minutes under the control of Senator MOYNIHAN, 30 minutes under the control of Senator ROTH, 30 minutes under the control of Senator DASCHLE, 30 minutes under the control of Senator LOTT.

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

Mr. ROTH. Mr. President, as a result of this agreement, there will be no further votes today. However, votes can be expected throughout the day tomorrow.

Mr. REID. Mr. President, I certainly applaud and congratulate the two managers of this bill to arrive at a point of a finite number of amendments with time limits.

I say to the Senate in general, however, that just because these amendments were in order doesn't mean the Senators have to offer them, and just because all the time agreements have been listed doesn't mean people have to use that time. I hope the two leaders work toward finding a way we can finish this bill tomorrow evening. There is a tremendous amount of work still left to be done in the Senate. I hope to finally resolve this legislation sometime tomorrow.

Mr. MOYNIHAN. Mr. President, I very much support that view, and I think our indefatigable chairman might also agree.

Mr. ROTH. I assure the distinguished colleagues I want to move as expeditiously as possible toward completion of this critically important legislation.

Mr. MOYNIHAN. If I might say, these amendments get 18 votes, 22 votes; we now have a pattern.

The Senate made its decision about this legislation midday. The sooner we are in the aftermath, the better relations will be, and the Senate can go on to other business.

Mr. FEINGOLD. Mr. President, I voted in favor of the Smith amendment to H.R. 4444, the bill to extend permanent normal trade relations to the People's Republic of China. The Smith amendment would have extended the mandate of the Congressional-Executive Commission on the People's Republic of China to include responsibility for monitoring and reporting on organ harvesting in China. For years, chilling reports have emerged out of China, detailing horrific scenarios in which organs are illicitly harvested for profit from executed prisoners. It is my understanding that the Chinese government has failed to take action to stop the criminal elements responsible for these abhorrent practices. Certainly careful monitoring and reporting on this issue is appropriate.

Mr. GORTON. Mr. President, today the Senate voted on several amendments to the bill establishing permanent normal trade relations status for the People's Republic of China. Regrettably, I was unable to register my votes on these amendments. Following are my thoughts regarding a few.

With respect to the amendment offered by Senator BYRD regarding potential import surges from China, I must state my opposition. While the Senator from West Virginia deserves credit in his effort to protect the American worker, the anti-dumping and surge protection mechanisms contained in the bilateral agreement brokered between the U.S. and China were crafted to address this very issue. Recognizing these two issues were considered ''deal breakers'' by U.S. trade interests, I have every reason to believe his concerns have been addressed.

I must also state my opposition to Senator BOB SMITH's amendment regarding the harvesting and transplanting of human organs. Without question, the issue of human rights and the treatment of Chinese citizens should be of upmost concern to every American. I believe the human rights provisions agreed to in H.R. 4444 were established to conquer and address such atrocities.

In particular, I would have also supported the effort to table the amendment offered by Senator THOMPSON. I have for quite some time, to the knowledge of my constituency in Washington and my colleagues here in the Senate, criticized the Clinton-Gore administration's approach to non-proliferation issues with China. However, I do not believe that Congress, by creating an entirely new sanctions policy or by establishing an additional layer of export controls, can effectively address these concerns nor strengthen U.S. national security. We must approach these measures with caution, we will approach them with a new administration, and we must recognize that when we confront China about these terribly significant issues, we will be approaching them as a trading ''partner''. If in the coming years China does not appropriately address the issues of non-proliferation, I assure my colleagues that I will be the first to raise concern.

Mr. JOHNSON. Mr. President, I rise today to share with my colleagues a letter from numerous agricultural producers and organizations opposing any and all amendments to the bill to grant permanent normal trade relations to the People's Republic of China. This letter specifies the dangers the pending amendment relative to Chinese non-proliferation requirements would pose to agricultural producers.

I ask unanimous consent that the letter be printed in the RECORD.

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

SEPTEMBER 12, 2000.

Hon. TRENT LOTT,
Russell Senate Office Building, U.S. Senate, Washington, DC.

DEAR SENATOR LOTT: It is critical to American agriculture that H.R. 4444, the China Permanent Normal Trade Relations (PNTR) legislation, moves forward without amendment. Any amendments would require another vote in the House of Representatives and send China and our competitors the message that the United States is not serious about opening the China market to U.S. products.

The Thompson amendment would require the President to implement sanctions under various circumstances. Unilateral sanctions have the effect to giving U.S. markets to our competitors. While there are efforts to exempt food, medicine and agriculture from the existing language, American agricultural producers, regardless of exemptions, would be put at risk. If the United States sanctions or even threatens sanctions for any products, agriculture is often first on the other country's retaliation list.

Additionally, further consideration of the China Nonproliferation bill should not delay action on a vote for PNTR. The U.S. agriculture industry continues to face depressed prices. Agricultural producers and food manufacturers should not have to face burdens erected by their own government such as unilateral sanctions or failure to pass PNTR.

We urgently request your help in achieving a positive vote on PNTR without amendment.

Thank you for your help and we look forward to working with you on these important issues.

Sincerely,
AgriBank,
Agricultural Retailers Association,
Alabama Farmers Federation,
American Crop Protection Association,
American Farm Bureau Federation,
American Feed Industry Association,
American Meat Institute,
American Seed Trade Association,
American Soybean Association,
Animal Health Institute,
Archer Daniels Midland Company,
Biotechnology Industry Organization,
Bunge Corporation,
Cargill, Inc.,
Cenex Harvest States,
Central Soya Company; Inc.,
Crestar USA,
CF Industries, Inc.,
Chocolate Manufacturers Association,
CoBank,
Distilled Spirits Council of the United States,
DuPont,
Farmland Industries, Inc.,
Grocery Manufacturers of America,
IMC Global Inc.,
Independent Community Bankers of America,
International Dairy Foods Association,
Land O'Lakes,
Louis Dreyfus Corporation,
National Association of State Departments of Agriculture,
National Association of Wheat Growers,
National Barley Growers Association,
National Cattlemen's Beef Association,
National Chicken Council,
National Confectioners Association,
National Corn Growers Association,
National Council of Farmer Cooperatives,
National Food Processors Association,
National Grain and Feed Association,

National Grange,
National Milk Producers Federation,
National Oilseed Processors Association,
National Pork Producers Council,
National Potato Council,
National Renderers Association,
National Sunflower Association,
North American Export Grain Association,
North American Millers' Association,
Pet Food Institute,
Pioneer Hi-Bred International,
Rice Millers' Association,
Snack Food Association,
Sunkist Growers,
The Fertilizer Institute,
United Egg Association,
United Egg Producers,
USA Poultry and Egg Export Council,
U.S. Canola Association,
U.S. Dairy Export Council,
U.S. Meat Export Federation,
U.S. Rice Producers Association,
U.S. Rice Producers' Group,
U.S. Wheat Associates,
Wheat Export Trade Education Committee,
Zeeland Farm Soya.

MORNING BUSINESS

Mr. CRAIG. Mr. President, I ask unanimous consent there be a period of morning business for the transaction of routine morning business, with Senators permitted to speak for up to 10 minutes.

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

THE MARRIAGE PENALTY TAX

Mrs. HUTCHISON. Mr. President, I rise today to speak on the issue of the marriage penalty. Today, the House of Representatives voted overwhelmingly, 270–158, in favor of eliminating the marriage penalty tax. Unfortunately, that doesn't mean it is going to become law because the President has vetoed the bill, and even the overwhelming margin of 270–158 is not enough to override the President's veto.

So 21 million American couples are going to have to suffer an inequity in the Tax Code again this year. They are going to have to suffer and pay $1,400, average, in taxes just because they decided to get married. If two people, a policeman and a schoolteacher, get married, they get hit the hardest because they suffer from the marriage penalty tax.

I am very proud of the House of Representatives for trying to override the President's veto. I am proud that they spoke overwhelmingly, even though it was 20 votes shy of the two-thirds majority that was necessary. But we need to fix the marriage penalty tax. We need a President who will sign marriage penalty relief, and we need a President who will work with us to have real tax relief for the citizens of our country who are working so hard to make this economy great.

Mr. President, I yield the floor.

THE AWARDING OF THE PRESIDENTIAL MEDAL OF FREEDOM TO SENATOR GEORGE MCGOVERN

Mr. JOHNSON. Mr. President, I rise today with great pride and satisfaction to address an occasion of great significance that occurred during the Senate's August recess. On August 9, President Clinton awarded the highly prestigious Medal of Freedom to former United States Senator George McGovern. This medal is the very highest award presented to civilians by the United States Government, and is an honor that is richly deserved.

Throughout his long and remarkable career, George McGovern has distinguished himself as a scholar, a political leader, a humanitarian and a person of extraordinary integrity. A generation of American political leaders still define themselves as McGovern Democrats.'' At Dakota Wesleyan University in Mitchell, South Dakota, George McGovern effectively emphasized the great importance of public service and civic involvement. As President Kennedy's Director of Food for Peace he helped launch our nation's commitment to combat world hunger. On the floor of the United States Senate, McGovern was a powerful voice for rural America, for our nation's disadvantaged, as well as for an end to the Viet Nam conflict. Today, as ambassador to the United Nations Food and Agricultural Organization in Rome, Ambassador McGovern has continued his work on nutrition and has articulated a visionary plan for a world school lunch program.

As my colleagues are very aware, Senator McGovern won the Democratic nomination for President of the United States in 1972 in what turned out to be an unsuccessful presidential campaign. Historians will long ponder what the course of American history might have been if that campaign had turned out differently. But we don't have to wait for the judgment of historians to know George McGovern's life has had an incredibly important and lasting impact on America and the world. George continues to persevere and his commitment to a better planet continues to shine.

We in South Dakota understandably feel a profound pride in the life and career of George McGovern—a son of a South Dakota minister, a military hero, a national political leader, and a diplomat of the highest order. I extend my enthusiastic congratulations to Senator McGovern and wish he and his family the very best as he continues his critically important work in Rome.

VICTIMS OF GUN VIOLENCE

Mr. SCHUMER. Mr. President, it has been more than a year since the Columbine tragedy, but still this Republican Congress refuses to act on sensible gun legislation.

Since Columbine, thousands of Americans have been killed by gunfire. Until we act, Democrats in the Senate will read the names of some of those who have lost their lives to gun violence in the past year, and we will continue to do so every day that the Senate is in session.

In the name of those who died, we will continue this fight. Following are the names of some of the people who were killed by gunfire one year ago today. September 13, 1999: Jonathan Holmes, 32, Detroit, MI; Edward Luckenbill, 51, Louisville, KY; Adrian Offutt, 19, Louisville, KY; Finnis Parron, 31, Houston, TX; Sherlyn Robinson, 37, Houston, TX; Unidentified Male, 29, Norfolk, VA; and Unidentified Male, 43, Norfolk, VA.

We cannot sit back and allow such senseless gun violence to continue. The deaths of these people are a reminder to all of us that we need to enact sensible gun legislation now.

MARKETING VIOLENCE TO CHILDREN

Mr. JOHNSON. Mr. President, the Senate Commerce Committee held a hearing today on the critical issue of the entertainment industry's marketing of violent material to children. While I am not a member of the Senate Commerce Committee, I appreciated Chairman MCCAIN and Ranking Member HOLLINGS giving me the opportunity to share my perspective as the parent of three children and some insights on the issue I have gained from a series of youth violence meetings in South Dakota.

In response to the numerous school shootings around our country, I've held a series of roundtable discussions in South Dakota with parents, students, school officials, and local law enforcement. I heard repeatedly from parents and students themselves that no one believes that explicitly violent movies, video games, or music are the sole causes for violence among our nation's youth. However, South Dakota students acknowledged that the entertainment industry has a large influence on their daily lives, and South Dakota parents specifically asked for additional resources they can use to help keep violent material out of their children's hands.

My wife, Barbara, and I recently accompanied our youngest child to her first day at college. Seeing our daughter settle into her new home in the freshman dormitory brought feelings of sadness at the inevitable passage of time. Barbara and I also were relieved, in a sense, by the fact that our daughter's first day of college also marked the successful completion of her childhood. I can sympathize with the parents of children just entering their teen years who are concerned that it will be increasingly difficult to keep objectionable material from their sons and daughters as they grow up.

That is why I am troubled by the results of the Federal Trade Commission's (FTC) Report on the Marketing

of Violent Entertainment to Children. As you know, the President asked the FTC to investigate two simple questions: Do the movie, music recording, and computer game industries market to young people products that contain violent content in a way that undermines the ratings they themselves apply to their products? If so, is that target marketing intentional? According to the recently-released FTC report, the answer to both questions appears to be yes.''

The FTC report found that 80 percent of movies rated R'' for violence were targeted to children under 17. A movie industry document even acknowledged that [o]ur goal was to find the elusive teen target audience and make sure everyone between the ages of 12–18 was exposed to the film.'' Another document spoke of using youth groups such as Boy Scouts, Girl Scouts, and 4–H Clubs in the market testing of R-rated'' films.

Teenagers apparently have also been the target of the music industry's efforts to sell CDs with explicit content labels. According to the FTC report, all music recordings used in the study were in some way targeted toward children under 17. This practice included the placing advertising in media specifically aimed at a youth audience. Finally, the FTC report noted that 70 percent of all video games with ''Mature'' ratings for violence were targeted toward youth.

It is important to note that the FTC report also conducted studies on children's ability to access these products. The FTC found that most retailers make little effort to restrict children's access to products with violent content. Almost half of the movie theaters used in the study admitted children ages 13 to 16 to R-rated'' films even when not accompanied by an adult. The FTC study also showed that unaccompanied children were able to buy explicit recordings and Mature-rated'' video games 85 percent of the time.

The FTC's findings are staggering, and I am eager to hear the entertainment industry's response to the report. Clearly, the entertainment industry and its retail partners must refocus their efforts and work with the FTC and concerned members of Congress like myself to keep violent material out of the hands of children.

It is my hope that the entertainment industry will take this opportunity to help restore the faith of the American public in its voluntary ratings system. Parents in South Dakota and around the country must also have resources they can trust to help them prevent youth violence in their own communities.

I look forward to working with my Senate colleagues and members of the industry on ways to keep violent material out of the hands of children without infringing on fundamental First Amendment rights.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, September 12, 2000, the Federal debt stood at $5,684,118,446,519.63, five trillion, six hundred eighty-four billion, one hundred eighteen million, four hundred forty-six thousand, five hundred nineteen dollars and sixty-three cents.

Five years ago, September 12, 1995, the Federal debt stood at $4,964,466,000,000, four trillion, nine hundred sixty-four billion, four hundred sixty-six million.

Ten years ago, September 12, 1990, the Federal debt stood at $3,232,127,000,000, three trillion, two hundred thirty-two billion, one hundred twenty-seven million.

Fifteen years ago, September 12, 1985, the Federal debt stood at $1,823,101,000,000, one trillion, eight hundred twenty-three billion, one hundred one million.

Twenty-five years ago, September 12, 1975, the Federal debt stood at $549,340,000,000, five hundred forty-nine billion, three hundred forty million, which reflects a debt increase of more than $5 trillion—$5,134,778,446,519.63, five trillion, one hundred thirty-four billion, seven hundred seventy-eight million, four hundred forty-six thousand, five hundred nineteen dollars and sixty-three cents, during the past 25 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF MS. EMILY E. ROME

• Mr. TORRICELLI. Mr. President, I hereby recognize Ms. Emily E. Rome of the Paterson School District as the 2000–2001 Passaic County Teacher of the Year. For the past 50 years, Ms. Rome has served as a physical education teacher and has received numerous awards and accolades along the way. Her accomplishments range from prestigious recognition by the U.S. Congress and the Governor of New Jersey to various awards granted by the New Jersey Education Association and the National Education Association.

However, the effectiveness of her service reaches far beyond the view of the public eye. In the classroom, Ms. Rome has dedicated herself to creating a supportive and productive environment for the youth of Passaic County. As a educator, she as helped to shape the mind and spirit of these individuals during a crucial stage of development in their lives. Further, as a member of the community, Ms. Rome has demonstrated the high level of service and commitment that we all should strive to achieve.

Ms. Rome's accomplishments and accolades reflect only a small portion of the many contributions she has made to those she has served. He efforts have spanned from the children of Passaic County to a variety of young individuals who aspire to follow in her footsteps and education and service in the future. She is a exemplar of the professionalism that we hope to find in our educators, and the type of citizen that we hope to find in our communities. Ms. Rome is a representative of excellence, and her dedication to the world both inside and outside of the classroom is to be commended.•

TRIBUTE TO ROBERT CRESANTI

• Mr. BENNETT. Mr. President, I rise today to pay tribute to one of my employees, Robert Cresanti, Robert has worked as my staff director on the Special Committee which addressed the Y2K problem which I chaired and has also served as a subcommittee staff director and counsel on the Banking Committee where I sit. Robert is a wonderful example of an outstanding man who has given much of his time and talents to the U.S. Senate and the American people. He has developed excellent skills in the legislative process and in the ways of Washington. I know he will be successful in his future endeavors. As he leaves the Senate to go into the private sector I express my great appreciation to him for his 8 years of loyal service and wish him the very best as he starts his new professional opportunity.•

TRIBUTE TO BENJAMIN HILL III OF FLORIDA

• Mr. GRAHAM. Today I offer a tribute to a great Floridian who has advanced the cause of quality judicial appointments to an independent Federal judiciary: Mr. Benjamin Hill III of Tampa.

For four years, Mr. Hill has served as chairman of Florida's non-partisan Federal Judicial Nominating Commission, which screens candidates for federal judgeships. Mr. Hill has done an outstanding job of leading the Commission and saluting the principle that those appointed to the federal judiciary should be among the best in the legal profession.

This year the United States Senate has confirmed six new federal judges for Florida; five in the Middle District and one in the Southern District. The investiture ceremony for two of those new judges, the Honorable James Moody and the Honorable James David Whittemore, will be held September 18, 2000, in Tampa, Florida, followed by other investitures elsewhere in our state. The federal judiciary, the legal profession and the public welcome these new federal judges.

As we applaud new jurists, we also recognize the tireless work of Mr. Hill in managing a judicial-selection process focused on meritorious appointments. A leader in his community, his church and his profession, Mr. Hill is a past president of the Florida Bar and a current member of the Board of Governors Executive Committee of the American Bar Association.

The United States Constitution specifies that one of the functions of

the United States Senate is to offer ''advice and consent'' on the executive branch's nominations, which includes the nomination of federal judges for our independent judiciary.

Perhaps the most visible aspect of the advise-and-consent clause is the Senate's power to confirm nominations or reject them, thus denying consent. There are myriad ways to offer advice to the executive branch; here's a brief description of our process in Florida.

Florida's Federal Judicial Nominating Commission, a diverse non-political panel comprised of attorneys and lay persons, receives and reviews applications from prospective federal judges. The Commission forwards top candidates to my attention. This screening process evolved so that Senator CONNIE MACK and I jointly interviewed leading applicants and made joint recommendations to the White House.

During the period that Mr. Hill has served as chairman of this Commission, the United States Senate has confirmed the nominations of the following Floridians to serve as United States District Court judges:

MIDDLE DISTRICT

The Honorable John Antoon II
The Honorable Richard Lazzara
The Honorable James Moody
The Honorable Gregory Presnell
The Honorable John Steele
The Honorable James David Whittemore

NORTHERN DISTRICT

The Honorable Stephan Mickle

SOUTHERN DISTRICT

The Honorable William P. Dimitrouleas
The Honorable Alan Gold
The Honorable Paul C. Huck
The Honorable Adalberto Jordan
The Honorable Donald Middlebrooks
The Honorable Patricia A. Seitz

By any measure, this is an impressive list. We express our appreciation to the Senate Judiciary Committee and its chairman, Senator ORRIN HATCH, for prompt and thorough review of nominees from Florida.

As we approach the end of the 106th Congress, we salute the citizen involvement of the dedicated men and women who serve on Florida's Federal Judicial Nominating Commission. Its members and its chairman, Mr. Benjamin Hill III, personify public service.●

TRIBUTE TO JOE DINI

● Mr. BRYAN. Mr President, the Speaker of the House of the Nevada State Assembly is one of Nevada's treasures and he happens to be a very close personal friend of mine.

I have been privileged to know Joe Dini since I first served with him in the state assembly during the 1969 legislative session and I continue to value his friendship.

Joe Dini was born and raised in the small town of Yerington, NV, he attended the University of Nevada and returned to the community of his birth to work along side his father in the family business.

In 1966 he was elected to the Nevada State Assembly, the first of his 17 terms; a record unrivaled since our state entered the union in 1864.

As a legislator, he has become the legislature's leading authority on western water issues. He served on the Western States Water Council and chaired the Water Policy Committee of the Council of State Governments-West.

In 1973, he was selected by his colleagues to serve a Speaker Pro Tempore and the following session, in 1975, as Majority Leader.

During his long and distinguished tenure, the State of Nevada has undergone dramatic changes. The state's population has increased by more than five fold. Nevada has become more urban and most of the state's population growth has been in Southern Nevada which now accounts for two-thirds of the state's population.

Not only is Joe Dini the longest serving member of the Assembly, but he has also been elected by his peers as the Speaker of the Nevada State Assembly an unprecedented eight times. Another record unparalleled in our state's history.

This extraordinary accomplishment is even more remarkable when one considers that rural Nevada, Joe Dini's political base, today represents just 15 percent of the state's over all population. He is a Nevada treasure, the likes of which we will surely not see again.

Now in the twilight of his career of public service, he is being showered with the honors and recognition he so richly deserves.

As with so many of us who have pursued a life of public service, Joe's family, his wife and his children have sacrificed much to make his service possible. Nevadans owe a debt of gratitude to Joe Dini's family as well.

I am pleased to join with Joe's many friends in paying my respect, to my friend—the much loved and respected, and Pizen Switch's number one citizen, Joe Dini.●

TRIBUTE TO ROGER SANT

● Mrs. FEINSTEIN. Mr. President, it is my privilege to recognize the truly world-changing efforts of Roger Sant, a distinguished and successful businessman who, in his six years as Chairman of World Wildlife Fund, has brought profound changes to the way conservation is accomplished here in the United States and, indeed, around the world.

Having taught corporate finance at Stanford University's Graduate School of Business early in his career, Mr. Sant moved east to lead the Ford Administration's energy conservation efforts as head of the energy conservation program at the Federal Energy Administration. In 1981, he founded AES Corporation, a publicly held global power company characterized by its innovative approaches to energy production. Throughout his career, culminating in his chairmanship of WWF, Mr. Sant has been committed to conservation in all its aspects, inspired by the imperative of leaving a living planet to future generations.

As the involved and inspiring chairman of World Wildlife Fund, Mr. Sant has encouraged the organization to think big, working to achieve conservation results at a new ecoregional, landscape scale. He has applied his business acumen as well as a range of skills and approaches honed through his work in government, academia, and the nonprofit world to make a compelling case for conservation to decision makers around the world, from heads of state to government leaders in the United States. Encouraging partnerships, he has supported significant and innovative cooperative arrangements between conservation organizations, governments and private entrepreneurs, and among governments, all with the goal of advancing conservation priorities at a scale that can achieve lasting results. His personal support of conservation initiatives has made a world of difference.

As Roger Sant steps down on September 19 after six years as WWF Chairman, he continues his personal commitment to conserving the world's endangered species and spaces. Based on his track record, we all can give thanks for his substantial conservation achievements as well as for all we know he will achieve for conservation in the coming years.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and a treaty which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:21 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House having proceeded to reconsider the bill (H.R. 4810) to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001, returned by the President of the United States with his objections, to the House of Representatives, in which it originated, that the said bill do not pass, two-thirds of the House of Representatives not agreeing to pass the same.

The message also announced that the House has passed the following bill, without amendment:

S. 1374. An act to authorize the development and maintenance of a multiagency campus project in the town of Jackson, Wyoming.

The message further announced that the House has passed the following bill, with an amendment:

S. 624. An act to authorize construction of the Fort Peck Reservation Rural Water System in the State of Montana, and for other purposes.

The message also announced that the House has passed the following bills and joint resolution, in which it requests the concurrence of the Senate:

H.R. 755. An act to establish the Guam War Claims Review Commission.

H.R. 1460. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo Tribe.

H.R. 1775. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes.

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes.

H.R. 3222. An act to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program.

H.R. 3378. An act to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region.

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes.

H.R. 4104. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes.

H.R. 4318. An act to establish the Red River National Wildlife Refuge.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs.

H.R. 4840. An act to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act.

H.R. 4957. An act to amend the Omnibus Parks and Public Lands Management Act of 1996 to extend the legislative authority for the Black Patriots Foundation to establish a commemorative work.

H.R. 5123. An act to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol.

H. Con. Res. 394. Concurrent resolution directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

ENROLLED BILLS SIGNED

At 7:49 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the Speaker has signed the following enrolled bills:

S. 1027. An act to reauthorize the participation of the Bureau of Reclamation in the Deschutes Resources Conservancy, and for other purposes.

S. 1117. An act to establish the Corinth Unit of Shiloh National Military Park, in the vicinity of the city of Corinth, Mississippi, and in the State of Tennessee, and for other purposes.

S. 1937. An act to amend the Pacific Northwest Electric Power Planning and Conservation Act to provide for sales of electricity by the Bonneville Power Administration to joint operating entities.

MEASURES REFERRED

The following bills and joint resolution were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 755. An act to establish the Guam War Claims Review Commission; to the Committee on Energy and Natural Resources.

H.R. 1460. An act to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to decrease the requisite blood quantum required for membership in the Ysleta del Sur Pueblo tribe; to the Committee on Indian Affairs.

H.R. 1755. An act to catalyze restoration of estuary habitat through more efficient financing of projects and enhanced coordination of Federal and non-Federal restoration programs, and for other purposes; to the Committee on Environment and Public Works.

H.R. 2296. An act to amend the Revised Organic Act of the Virgin Islands to provide that the number of members on the legislature of the Virgin Islands and the number of such members constituting a quorum shall be determined by the laws of the Virgin Islands, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 3222. An act to amend the Elementary and Secondary Education Act of 1965 to improve literacy through family literacy projects and to reauthorize the inexpensive book distribution program; to the Committee on Health, Education, Labor, and Pensions.

H.R. 3378. An act to authorize certain actions to address the comprehensive treatment of sewage emanating from the Tijuana River in order to substantially reduce river and ocean pollution in the San Diego border region; to the Committee on Environment and Public Works.

H.R. 3657. An act to provide for the conveyance of a small parcel of public domain land in the San Bernardino National Forest in the State of California, and for other purposes; to the Committee on Energy and Natural Resources.

H.R. 4104. An act to amend the Federal Water Pollution Control Act to authorize funding to carry out certain water quality and environmental restoration projects for the Mississippi Sound, Mississippi, and for other purposes; to the Committee on Environment and Public Works.

H.R. 4318. An act to establish the Red River National Wildlife Refuge; to the Committee on Environment and Public Works.

H.R. 4583. An act to extend the authorization for the Air Force Memorial Foundation to establish a memorial in the District of Columbia or its environs; to the Committee on Energy and Natural Resources.

H.R. 4840. An act to reauthorize the Atlantic Coastal Fisheries Cooperative Management Act; to the Committee on Commerce, Science, and Transportation.

H.R. 5123. An act to require the Secretary of Education to provide notification to States and State educational agencies regarding the availability of certain administrative funds to establish school safety hotlines; to the Committee on Health, Education, Labor, and Pensions.

H.J. Res. 102. Joint resolution recognizing that the Birmingham Pledge has made a significant contribution in fostering racial harmony and reconciliation in the United States and around the world, and for other purposes; to the Committee on the Judiciary.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 368. Concurrent resolution establishing a special task force to recommend an appropriate recognition for the slave laborers who worked on the construction of the United States Capitol; to the Committee on Rules and Administration.

MEASURES PLACED ON THE CALENDAR

The following bill was read the first and second times by unanimous consent, and placed on the calendar:

H.R. 3632. An act to revise the boundaries of the Golden Gate National Recreation Area, and for other purposes.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

H.R. 2090. An act to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanography program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–10703. A communication from the Director of the Office of Regulations Management, Office of Resolution Management, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled

''Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance'' (RIN2900-AJ11) received on September 8, 2000; to the Committee on Veterans' Affairs.

EC–10704. A communication from the Director of the Office of Regulations Management, Board of Veterans' Appeals, Department of Veterans' Affairs, transmitting, pursuant to law, the report of a rule entitled ''Appeal Regulations: Title for Members of the Board of Veterans' Appeals'' (RIN2900-AK14) received on September 11, 2000; to the Committee on Veterans' Affairs.

EC–10705. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (12); amdt. No. 2008; [8/24-9/7]'' (RIN2120-AA65) (2000-0043) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10706. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (60); amdt. No. 2006; [8/24-9/7]'' (RIN2120-AA65) (2000-0044) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10707. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (50); amdt. No. 2005; [8/10-9/7]'' (RIN2120-AA65) (2000-0045) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10708. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Standard Instrument Approach Procedures; Miscellaneous Amendments (61); amdt. No. 2003; [8/10-9/7]'' (RIN2120-AA65) (2000-0046) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10709. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: McDonnell Douglas Model DC-9, Model MD-90-30, Model 717-200, and Model MD-88 Airplanes; docket no. 2000-NM-89 [8-8/9-7]'' (RIN2120-AA64) (2000-0436) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10710. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: Fokker Model F .28 Mark 0100 Series; docket no. 2000-NM-02 [8-29/9-7]'' (RIN2120-AA64) (2000-0437) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10711. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: British Aerospace Model BAe 146 and Model Avro 146-RJ; docket no. 99-NM-35 [8-29/9-7]'' (RIN2120-AA64) (2000-0439) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10712. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: Boeing Model 747 and 767 Series Airplanes Equipped with GE CF6-80C2 Series Engines; docket no. 2000-NM-24 [8-31/9-7]'' (RIN2120-AA64) (2000-0440) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10713. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: British Aerospace HP137 Mkl, Jetstream Series 200, 3101, and 3201 Airplanes; docket no. 98-CE-117 [8-21/9-7]'' (RIN2120-AA64) (2000-0441) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10714. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: Eurocopter Franc Model EC120B Helicopters; docket no. 2000-SW-33 [8-28/9-7]'' (RIN2120-AA64) (2000-0445) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10715. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: Eurocopter Deutschland GMBH Model Bo 105A, 105C, 105 C-2, 105, CB2, BO105, CB4 BO 105S , BO 105 CS-2, BO105 CBS-2, CBS-4 and BO 105LS A1 Helicopters; docket no. 99-SW-66 [8-28/9-7]'' (RIN2120-AA64) (2000-0446) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10716. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: Boeing Model 737-200 and 300 Series Airplanes Equipped with a Main Deck Cargo Door Installed in Accordance with Supplemental type Certificate SA2969SO; docket no. 2000-NM-277 [8-25/9-7]'' (RIN2120-AA64) (2000-0448) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10717. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: Boeing Model 737-100, 200, 200C Series Airplanes; docket no. 2000-NM-288 [8-25/9-7]'' (RIN2120-AA64) (2000-0449) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10718. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law , the report of a rule entitled ''Airworthiness Directives: Boeing Model 767-200, 300, and 300F Series Airplanes; docket no. 2000-NM-289 [8-25/9-7]'' (RIN2120-AA64) (2000-0450) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10719. A communication from the Program Assistant of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Airspace Actions; Amends Class D Airspace, Cocoa Patrick AFB, FL, and Class E5 Airspace, Melbourne, FL Docket No. 00-ASO-22 [11-30-9-11-00]'' (2120-AA66) (2000-0220) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10720. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Interpretive rule; Court of Competent Jurisdiction; [8-20/9-7]'' (2120-ZZ28) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10721. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Final Rule public Meeting; Changed Product Rule Meeting [8-2/9-7]'' (2120-ZZ29) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10722. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Cocoa Beach, FL; docket no. 00-ASO-31 [8-24/9-7]'' (2120-AA66) (2000-0210) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10723. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class D Airspace; Simmons Army Airfield, NC, and Class E4; Airspace, Key West FL; docket no. 00-ASO-30 [8-24/9-7]'' (2120-AA66) (2000-0211) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10724. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Removal of Class E Airspace; Melbourne, FL and Cocoa Patrick AFB, FL; docket no. 00-ASO-27 [8-21/9-7]'' (2120-AA66) (2000-0212) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10725. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Marquette. <Correction; docket no. 00-AGL-02 [8-23/9-7]'' (2120-AA66) (2000-0213) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10726. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Pratt , KS; Correction; docket no. 00-ACE-14 [8-29/9-7]'' (2120-AA66) (2000-0214) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10727. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Coffeyville, KS; docket no. 00-ACE-15 [8-29/9-7]'' (2120-AA66) (2000-0215) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10728. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Class E Airspace; Soldiers Grove, WI; docket no. 00-AGL-19 [8-25/9-7]'' (2120-AA66) (2000-0216) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10729. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of

a rule entitled ''Modification of Class E Airspace; Frankfort, MI; docket no. 00-AGL-18 [8-25/9-7]'' (2120-AA66) (2000-0217) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10730. A communication from the Program Analyst of the Federal Aviation Commission, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled ''Modification of Class E Airspace; Dickinson, ND; docket no. 00-AGL-17 [8-28/9-7]'' (2120-AA66) (2000-0218) received on September 11, 2000; to the Committee on Commerce, Science, and Transportation.

EC–10731. A communication from the Comptroller General, transmitting, pursuant to law, the report entitled ''Reports, Testimony, Correspondence, and Other Publications: July 2000''; to the Committee on Governmental Affairs.

EC–10732. A communication from the Executive Director of the Committee For Purchase From People Who Are Blind or Severely Disabled, transmitting, pursuant to law, the report of additions to the procurement list received on September 8, 2000; to the Committee on Governmental Affairs.

EC–10733. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''2000-2001 Refuge-Specific Hunting and Sport Fishing Regulations'' (RIN1018-AG01) received on September 8, 2000; to the Committee on Environment and Public Works.

EC–10734. A communication from the Commissioner, Bureau of Reclamation, Department of the Interior, transmitting, pursuant to law, a report relative to Wickiup Dam, Deschutes Project, Oregon; to the Committee on Environment and Public Works.

EC–10735. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, three rules entitled ''Revisions to the California State Implementation Plan, San Diego County Air Pollution Control District and Bay Area Air Quality Management District'' (FRL #6850-1), ''Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District'' (FRL #6852-7), and ''Revisions to the California State Implementation Plan, Tehama County Air Pollution Control District'' (FRL #6868-9) received on September 11, 2000; to the Committee on Environment and Public Works.

EC–10736. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the national intelligent transportation systems five-year program plan; to the Committee on Environment and Public Works.

EC–10737. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Topical Antifungal Drug Products for Over-the-Counter Human Use; Amendment of Final Monograph'' (RIN0910-AA01) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10738. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Substances Approved for Use in Preparation of Meat and Poultry Products'' (RIN0910-AA58) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10739. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives: Polymers'' (Docket No. 98F-0484) received on September 8, 2000; to the Committee on Health, Education, Labor , and Pensions.

EC–10740. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Biological Products Regulated Under Section 351 of the Public Health Service Act; Implementation of the Biologics License; Elimination of Establishment License and Product License; Technical Amendment'' (Docket No. 98N-0144) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10741. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Indirect Food Additives; Adjuvants, Production Aids, and Sanitizers'' (Docket No. 99F-0127) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10742. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Revision of Requirements Applicable to Albumin (Human), Plasma Protein Fraction (Human), and Immune Globulin (Human)'' (Docket No. 98N-0608) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10743. A communication from the Director of the Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Amendment of Various Device Regulations to Reflect Current American Society for Testing and Materials Citations, Confirmation in Part and Technical Amendment; Correction'' (Docket No. 99N-4955) received on September 8, 2000; to the Committee on Health, Education, Labor, and Pensions.

EC–10744. A communication from the Secretary of Defense, transmitting a notice relative to three retirements; to the Committee on Armed Services.

EC–10745. A communication from the Secretary of the Department of Agriculture, transmitting, pursuant to law, a report relative to animal welfare enforcement; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10746. A communication from the Regulatory Management Staff, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of two rules entitled ''Actbenzolar-S-Methyl; Pesticide Tolerance'' (FRL #6737-6) and ''Fosetyl-Al; Pesticide Tolerance'' (FRL #6599-4) received on August 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10747. A communication from the Small Advocacy Chair, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of four rules entitled ''Coumaphos ; Pesticide Tolerances for Emergency Exemptions'' (FRL #6738-3), ''Mancozeb; Pesticide Tolerance Technical Correction'' (FRL #6736-4), ''Propiconazola; Extension of Tolerances for Emergency Exemptions'' (FRL #6737-1), and ''Zinc Phosphide; Pesticide Tolerances for Emergency Exemptions'' (FRL #6598-9) received on August 15, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10748. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Plum Pox Compensation'' (Docket #00-035-1) received on September 11, 2000; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10749. A communication from the Acting Assistant Secretary for Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled ''Interest Rate Applicable To Late Payment Or Underpayment Of Monies Due On Solid Minerals And Geothermal Leases'' received on September 7, 2000; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–621. A petition from the Republic of the Marshall Islands relative to nuclear testing; to the Committee on Energy and Natural Resources.

PETITION

As provided by Congress in Article IX of the nuclear test claims settlement enacted in law under Title II, Section 177(c) of the Compact of Free Association Act of 1985 [P.L. 99–239], the Republic of the Marshall Islands respectfully submits this Changed Circumstances Petition to the Congress of the United States. The Government of the Republic of Marshall Islands hereby notifies the Congress of its determination that the criteria have been satisfied under applicable U.S. federal law for further measures to provide adequately for injuries to persons and property in the Marshall Islands that have arisen, been discovered, or adjudicated since the Compact took effect on October 21, 1986.

Section 177 of the Compact of Free Association provides that ''The Government of the United States accepts the responsibility for compensation owing to citizens of the Marshall Islands . . . for loss or damage to property and person . . . resulting from the nuclear testing program which the Government of the United States conducted in the Northern Marshall Islands between June 30, 1946, and August 18, 1958.''

As detailed herein, injuries and damages resulting from the United States Nuclear Testing Program have arisen, been discovered, or have been adjudicated in the Marshall Islands since the Compact took effect. These injuries and damages could not reasonably have been discovered, or could not have been determined, prior to the effective date of the Compact. Such injuries, damages and adjudication render the terms of the Section 177 Agreement manifestly inadequate to provide just and adequate compensation for injuries to Marshallese people and for damage to or loss of land resulting from the U.S. Nuclear Testing Program.

The terms of Section 177 represent a politically determined settlement (Attachment I, Hills testimony) rather than either a good faith assessment of personal injury or property claims, a legally adjudicated determination of actual damages, or monetary award for such damages. As a political settlement, Section 177 of the Compact requires that the U.S. provide $150 million to the RMI to create a Fund that, over a 15-year period of the Compact, was intended to generate $270 million in proceeds for disbursement ''as a means to address past, present and future

consequences of the U.S. Nuclear Testing Program, including the resolution of resultant claims'' [Preamble of the 177 Agreement].

In lieu of an assessment of damages by the Federal courts, the government of the Marshall Islands accepted the U.S. proposal that it espouse and settle the claims of the Marshallese people arising from the nuclear testing program conducted by the U.S. *in* conjunction with the establishment of a Claims Tribunal. The U.S. expressly recognized that its technical assessment of radiological damage to persons and property in the RMI was limited to a ''best effort'' at the time of the Compact (Attachment II, Scientific Analysis), and was based on a limited disclosure of available information and incomplete scientific knowledge. As a result, further adjudication of claims by an internal RMI Nuclear Claims Tribunal was agreed to by the United States.

In addition to creating the Tribunal, the U.S. agreed, in exchange for the RMI espousing and settling its citizens claims, to adopt a ''Changed Circumstances'' procedure, through which Congress accepted the authority and responsibility at a later date to determine the adequacy of the measures adopted under the 177 Agreement to compensate for the injuries and damages caused by the U.S. Nuclear Testing Program. Accordingly, in approving the Section 177 Agreement, Congress accepted the responsibility to determine if further measures are required to provide just and adequate compensation in light of the awards that have been made by the Tribunal, as well as the injuries and damages that have become known or been discovered since the settlement was ratified.

For the RMI to seek and ask for the Congress to provide additional funding is consistent with the commitment of the United States to provide just and adequate compensation for the nuclear claims. Indeed, such funding is contemplated by the Agreement and is the political process intended by Congress as a means to seek just and adequate compensation—if possible without further litigation. Under relevant federal court decisions, it is possible that claims could be recommenced in U.S. courts based on failure of the agreement to provide just and adequate compensation (Attachment III, Legal Analysis).

The settlement specifically authorizes direct access to the Congress of the United States by the RMI if ''Changed Circumstances'' were discovered or developed after the Agreement took effect, and render the provisions of the Agreement manifestly inadequate. As more knowledge and information emerges about the damages and injuries wrought by the testing program, the manifest inadequacy of Section 177 has become clear. As confirmed in Attachments IV, V, and VI, the most immediate needs resulting from inadequacies of the Agreement are funding to award personal injury claims through the Tribunal, funding to satisfy the Tribunal awards for property damage claims, and funding to address the gross inability of the 177 medical program to effectively address the health consequences of the U.S. Nuclear Testing Program.

PAYMENT OF PERSONAL INJURY AWARDS MADE BY THE CLAIMS TRIBUNAL

As of August 15, 2000, the Nuclear Claims Tribunal established pursuant to the 177 Agreement had awarded $72,634,750 for personal injuries, an amount $26.9 million more than the $45.75 million total available under Article II, Section 6(c) for payment of all awards, including property damage, over the Compact period. To date, at least 712 of these awardees (42%) have died without receiving their full award (Attachment IV, Decisions of the Nuclear Claims Tribunal).

PAYMENT OF PROPERTY DAMAGE AWARDS MADE BY THE CLAIMS TRIBUNAL

The Claims Tribunal awarded the Enewetak people compensation for damages they suffered as a result of the U.S. nuclear testing at Enewetak. The compensation included awards for loss of use of their land, for restoration (nuclear cleanup, soil rehabilitation and revegetation), and for hardship (for suffering the Enewetak people endured while being exiled to Ujelang Atoll for a 33 year period). The Tribunal fully deducted the compensation the Enewetak people received, or are to receive, under the Compact. The Tribunal determined that the net amount of $386 million is required to provide the Enewetak people with the just compensation to which they are entitled. The Tribunal does not have the funds to pay the $386 million award to the Enewetak people (Attachment V, Enewetak Land Claim).

GROSS INABILITY OF THE 177 MEDICAL PROGRAM TO EFFECTIVELY ADDRESS HEALTH CONSEQUENCES

One of the measures adopted under the Section 177 Agreement to compensate the people and government of the Marshall Islands was a health care program for four of the atoll populations impacted by the testing program, including those who were downwind of one or more tests, and the awardees of personal injury claims from the Tribunal. The medical surveillance and health care program established under the Section 177 Agreement has proven to be manifestly inadequate given the health care needs of the affected communities. The 177 Health Care Program was asked to deliver appropriate health care services within an RMI health infrastructure that was not prepared or equipped to deliver the necessary level of health care. Funding provided under Article II, Section 1(a) of the 177 Agreement has remained at a constant $2 million per year. As a result of this underfunding, the 177 Health Care Program has only $14 per person per month as compared to an average U.S. expenditure of $230 per person per month for similar services (Attachment VI, Medical Analysis).

It is imperative that a new medical program be implemented, with adequate funding that empowers the affected downwind and other exposed communities to provide primary, secondary, and tertiary healthcare for their citizens in a manner compatible and coordinated with RMI and U.S. health care programs and policies.

Based on the inadequacy of funds for personal injury claims, property damage claims, and health consequences from the U.S. Nuclear Testing Program, the RMI Government respectfully requests Congress to:

1. Authorize and appropriate $26.9 million so the Claims Tribunal can complete full payment of the personal injury awards made as of August 15, 2000. Of this amount, approximately $21 million is needed to pay off the estates of the 712 individuals known to have died. An additional $5.9 million is needed to make full payments of awards to individuals who are still alive; approximately half of that amount is needed to pay 80 or more individuals who presently suffer from a compensable condition which is likely to result in their death and the remaining half is owed to other living awardees (Attachment IV, Decisions of the Nuclear Claims Tribunal).

2. Authorize and appropriate $386 million to satisfy the Claims Tribunal award to the Enewetak people (Attachment V. Enewetak Land Claim).

3. Authorize and appropriate $50 million in initial capitol costs to build and supply the infrastructure necessary to provide adequate primary and secondary medical care to the populations exposed to radiation from the U.S. Weapons Testing Program (Attachment VI, Medical Analysis).

4. Authorize and appropriate $45 million each year for 50 years for a 177 Health Care Program to provide a health care program for those individuals recognized by the U.S. Government as having been exposed to high levels of radiation during or after the testing program, including those who were downwind for one or more test, and the awardees of personal injury claims from the Tribunal (Attachment VI, Medical Analysis).

5. Extend the U.S. Department of Energy medical monitoring program for exposed populations to any groups that can demonstrate high levels of radiation exposure to the U.S. Congress (Attachment II, Scientific Analysis, issue #6).

Beyond the five immediate changed circumstances, the RMI Government will present information to the U.S. Congress in the future regarding several other areas of changed circumstances. Some of these areas include:

PAYMENT OF PROPERTY DAMAGE AWARDS MADE BY THE CLAIMS TRIBUNAL

In April 2000, the Claims Tribunal issued its first award for property damage to the people of Enewetak Atoll. The full award of $386 million addresses the claims of the Enewetak people for loss of use of their land, for costs of restoration, and for hardship suffered while in exile for a 33 year period. Additionally, the Claims Tribunal is expected to make an award for property damage to the people of Bikini. Two other property damage claims in the process of being developed include one by Rongelap, Alinginae, and Rongerik and, one by Utrik, Taka, Tongai/Bokaak. These claims will be presented to the Tribunal in the near future. The pending cases will better define the level of compensation that will ultimately be required to fully repair damage to all islands, including those not currently being rehabilitated for resettlement, and to provide for adjudication of all other claims.

FUNDING OF ENVIRONMENTAL REHABILITATION AND RESETTLEMENT

The U.S. Congress has recognized the need for environmental restoration to reduce radioactive contamination to acceptable levels at Bikini, Enewetak, and Rongelap atolls by establishing resettlement trust funds for those atolls. The Enewetak trust fund for the rehabilitation and resettlement of Enjebi Island is only $10 million while evidence present before the Claims Tribunal demonstrated that over $148 million is required for environmental restoration of the atoll and resettlement of a portion of its population, the Enjebi people. Similarly, preliminary estimates for cleanup costs at Bikini and Rongelap atolls (approximately $205–505 million for Bikini Atoll and $100 million for just one island on Rongelap, Rongelap Island) exceed the funding levels currently provided. No rehabilitation and resettlement trust fund presently exists for Utrik.

SUPPORT FOR FURTHER MEDICAL SURVEILLANCE AND radiological monitoring activities, including tracer chemicals and toxic materials

Under Article II, Section 1 (a) of the 177 Agreement, $3 million was provided to the RMI for medical surveillance and radiological monitoring activities. Those funds were used to conduct a nationwide radiological survey, a medical examination program in the outer islands, and a thyroid study on Ebeye Island. While valuable information was obtained from these activities, such as identification and treatment for radiogenic illnesses, the surveys indicate that thyroid and other radiation related illnesses are evident in populations that are

presently unmonitored, yet the funds for medical surveillance are exhausted.

The health consequences of the U.S. Nuclear Testing Program are greater than originally suspected. Additionally, radiation from the testing program reached every corner of the Marshall Islands. Medical surveillance should have been, and should be targeted at monitoring frequencies of all real and potential health consequences of the testing program in a longitudinal fashion. It is only in this manner that a complete understanding of health trends and associations of specific illness and radiation can be appreciated. An onsite national health surveillance system needs to be developed, implemented, and sustained to monitor all health consequences of the nuclear weapons testing program for the next fifty years.

OCCUPATIONAL SAFETY PROGRAM

Section 177 does not include an occupational safety program for Marshallese and other workers involved in environmental remediation or cleanup programs. As a result, Marshallese and other workers are exposed to occupational sources of radiation. Medical screening of past and present radiation workers is greatly needed to reduce the risk of further illness and claims.

COMMUNITY EDUCATION AND DEVELOPMENT PROGRAMS

Section 177 provides no means to educate Marshallese citizens in radiation related fields or to build local capacity to undertake research, archive relevant information, or educate the public about the consequences of the U.S. Nuclear Testing Program in the Marshall Islands.

NUCLEAR STEWARDSHIP PROGRAM

Section 177 does not provide programs for communities to develop strategies for safely containing radiation and living near radioactive waste storage areas.

The inadequacies presented in this petition ''could not reasonably have been identified'' in the 177 Agreement [Article IX] both because the full extent of the damages caused by the testing program had never been assessed and because scientific and medical developments since the settlement was consummated would have rendered any prior assessment not just manifestly inadequate, but null and void. What might have been acknowledged by the Government of the United States in 1983 as ''damages resulting from the Nuclear Testing Program'' is only a small portion of what such injuries and damages are now known to be.

The 67 atomic and thermonuclear weapons detonated in the Marshall Islands allowed the United States Government to achieve its aim of world peace through a deterrence policy. The Marshallese people subsidized this nuclear détente with their lands, health, lives, and future. ''As an ally and strategic partner, the Republic of the Marshall Islands has paid a uniquely high price to define its national interest in a manner that also has been compatible with vital U.S. national interests'' (H. Con. Res. 92—Sponsored by the Honorable Benjamin Gilman and the Honorable Don Young). As a strategic partner and friend of the United States, the RMI remains hopeful that Congress will take action to address the inadequacies of the 177 Agreement. The Government of the Republic of the Marshall Islands looks forward to working closely with the Congress of the United States to respond to changed circumstances in the Marshall Islands.

REPORTS OF COMMITTEES

The following reports of committees were submitted on September 12, 2000:

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, with an amendment in the nature of a substitute:

S. 1066: A bill to amend the National Agricultural Research, Extension, and Teaching Policy Act of 1977 to encourage the use of and research into agricultural best practices to improve the environment, and for other purposes (Rept. No. 106–407).

By Mr. LUGAR, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. 1762: A bill to amend the Watershed Protection and Flood Prevention Act to authorize the Secretary of Agriculture to provide cost share assistance for the rehabilitation of structural measures constructed as part of water resources projects previously funded by the Secretary under such Act or related laws (Rept. No. 106–408).

The following reports of committees were submitted today:

By Mrs. HUTCHISON, from the Committee on Appropriations, without amendment:

S. 3041: An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes. (Rept. No. 106–409).

By Mr. BOND, from the Committee on Appropriations, with an amendment in the nature of a substitute:

H.R. 4635: A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, and for other purposes (Rept. No. 106–410).

By Mr. ROTH, from the Committee on Finance, with an amendment in the nature of a substitute and an amendment to the title:

H.R. 1102: A bill to provide for pension reform, and for other purposes (Rept. No. 106–411).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THOMPSON (for himself, Mr. KOHL, Mr. ABRAHAM, Mr. TORRICELLI, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ROTH, Mr. GREGG, Mr. HUTCHINSON, Ms. COLLINS, Mr. DEWINE, Mr. LEVIN, Ms. LANDRIEU, and Mr. STEVENS):

S. 3040. A bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes; to the Committee on Governmental Affairs.

By Mrs. HUTCHISON:

S. 3041. An original bill making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against the revenues of said District for the fiscal year ending September 30, 2001, and for other purposes; from the Committee on Appropriations; placed on the calendar.

By Mr. ASHCROFT:

S. 3042. A bill to protect citizens against becoming victims of Internet fraud, to provide stiff penalties against those who target senior citizens, and to educate senior citizens on how to avoid being victimized by Internet or telemarketing fraud; to the Committee on the Judiciary.

By Mr. TORRICELLI:

S. 3043. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearm parts, and for other purposes; to the Committee on the Judiciary.

By Mr. MCCAIN:

S. 3044. A bill to establish the Las Cienegas National Conservation Area in the State of Arizona; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. LOTT (for himself and Mr. DASCHLE):

S. Res. 356. A resolution to authorize documentary production by the Select Committee on Intelligence; considered and agreed to.

By Mr. BROWNBACK (for himself and Mr. WELLSTONE):

S. Res. 357. A resolution welcoming Prime Minister Atal Bihari Vajpayee, Prime Minister of India, upon his first official visit to the United States, and for other purposes; considered and agreed to.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. DEWINE, Mr. HARKIN, Mr. ENZI, Ms . MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. HAGEL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. FRIST, and Mr. HUTCHINSON):

S. Con. Res. 135. A concurrent resolution recognizing the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975; to the Committee on Health, Education, Labor, and Pensions.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

Mr. THOMPSON (for himself, Mr. KOHL, Mr. ABRAHAM, Mr. TORRICELLI, Mr. VOINOVICH, Mrs. LINCOLN, Mr. ROTH, Mr. GREGG, Mr. HUTCHINSON, Ms. COLLINS, Mr. DEWINE, Mr. LEVIN, Ms. LANDRIEU, and Mr. STEVENS):

S. 3040. A bill to establish the Commission for the Comprehensive Study of Privacy Protection, and for other purposes; to the Committee on Governmental Affairs.

PRIVACY COMMISSION ACT

Mr. THOMPSON. Mr. President, I rise today to introduce the ''Privacy Commission Act.'' This legislation would establish a 17-member commission to examine the complex issue of personal privacy and to make recommendations to Congress as we consider how to map out privacy protections for the future. The Commission for the Comprehensive Study of Privacy Protection, whose members would include experts with a diversity of experiences, would look at the spectrum of privacy, from protecting citizens' health and financial information to ensuring their security on web sites.

As we all know, Americans are increasingly concerned that their personal information is not as secure as they once believed. A recent NBC News/Wall Street Journal poll found that

loss of privacy was the greatest concern that Americans have as we enter this new century. In these times of rapidly changing technology, people are uncertain and fearful about who has access to their personal information and how that information is being used. It seems that as fast as new communications technologies appear, so do new capabilities for diverting information in unintended ways.

The increasing popularity of the Internet and e-mail as a primary means of communicating and disseminating information is one of the major reasons for the rising concerns about personal privacy. Consumer information such as drivers' license numbers, educational records and purchase records has always been available in some capacity. Before the advent of the Internet, however, the time and effort required to accumulate such information often was prohibitive. Now, the use of information-gathering devices on the Internet makes building consumer information databases relatively cost-free, and using and sharing them extremely profitable.

Some data privacy experts have shown how combining information from separate so-called ''anonymous'' public databases can not only identify those people included in the database but can reveal private information as well, including detailed medical and financial records. The increased sharing of information between medical practitioners, pharmaceutical companies, insurance entities and employers has made consumers more aware of the lack of confidentiality in the physician-patient relationship. Breakthroughs in genetic testing have made the potential consequences of such sharing even more serious.

The first federal privacy commission, which operated from 1975 to 1977, faced the same basic question that is being posed today: ''What is the correct balance between protecting personal privacy and allowing appropriate uses of information?'' But in the past 25 years, there have been enormous leaps in technology. Today, a few keystrokes on a computer hooked up to the Internet can produce a quantity of information that was unimaginable in 1975. This freedom of information can be beneficial, by helping people to get loans quickly or by personalizing consumer services. But the same information in the hands of bad actors can cause harm, resulting in nightmarish situations such as identity theft. It is crucial that we act soon to protect the American people from crimes like these, without overregulating so much that we stunt the growth of our booming economy.

The Privacy Commission is the key to finding the balance between protecting the privacy of individuals and permitting specific and appropriate uses of personal information for beneficial purposes. The Commission would be directed to study a wide variety of issues relating to personal privacy, including the monitoring, collection, distribution and use of personal information by government and private entities; current legislative and self-regulatory efforts to respond to privacy problems; and the practices and policies of employers with respect to the personal financial and health information of their employees. In the course of its examination of these issues, the Commission would also be required to hold at least 3 field hearings around the country and to set up a website to facilitate public participation and public comment. By December 31, 2001, the Commission would submit a report to Congress on its findings, including any recommendations for legislation to reform or augment current laws.

There is great deal of interest in legislating on privacy. Everyone is trying to establish the appropriate level of privacy protection that the American people want and need. But there are many different answers being proposed. On the state level, approximately 7000 bills about privacy were introduced just last year. Here in Congress, scores of proposals have been introduced on a wide range of privacy issues, and we undoubtedly will consider many of these proposals in the next Congress. The Privacy Commission Act will help us to understand the complex issue of privacy and to map responsible protections, without delaying action where consensus is reached. The final report of the Privacy Commission would be available by the second session of the new Congress. In the meanwhile, if consensus can be reached on any substantive privacy legislation, nothing in the Privacy Commission Act would impede movement on those bills. To the contrary, the bill contains a provision specifying that it is not intended to delay any other privacy legislation.

I would like to thank my colleagues in the House, particularly Congressmen ASA HUTCHINSON and JIM MORAN, who sponsored H.R. 4049. They and their staffs have worked diligently on the Privacy Commission Act. They held three days of hearings on this legislation, and the House Government Reform Committee passed the Hutchinson-Moran bill by voice vote on June 29th. I also want to thank my cosponsors, particularly Senators KOHL and TORRICELLI, who have worked on a privacy commission bill for some time, as well as Senators ABRAHAM, LINCOLN, VOINOVICH, ROTH, GREGG, HUTCHINSON, COLLINS, DEWINE, LEVIN and LANDRIEU.

It is my hope that we can all work together to pass the Privacy Commission Act to help us make informed and thoughtful decisions to protect the privacy of the American people. I urge my colleagues to support this much-needed legislation. I ask unanimous consent that the ''Privacy Commission Act'' be printed in the RECORD following my remarks.

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

S. 3040

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 ''Privacy Commission Act''.

SEC. 2. FINDINGS.

Congress finds the following:

(1) Americans are increasingly concerned about their civil liberties and the security and use of their personal information, including medical records, educational records, library records, magazine subscription records, records of purchases of goods and other payments, and driver's license numbers.

(2) The shift from an industry-focused economy to an information-focused economy calls for a reassessment of the most effective way to balance personal privacy and information use, keeping in mind the potential for unintended effects on technology development, innovation, the marketplace, and privacy needs.

(3) This Act shall not be construed to prohibit the enactment of legislation on privacy issues by Congress during the existence of the Commission. It is the responsibility of Congress to act to protect the privacy of individuals, including individuals' medical and financial information. Various committees of Congress are currently reviewing legislation in the area of medical and financial privacy. Further study by the Commission established by this Act should not be considered a prerequisite for further consideration or enactment of financial or medical privacy legislation by Congress.

SEC. 3. ESTABLISHMENT.

There is established a commission to be known as the ''Commission for the Comprehensive Study of Privacy Protection'' (in this Act referred to as the ''Commission'').

SEC. 4. DUTIES OF COMMISSION.

(a) STUDY.—The Commission shall conduct a study of issues relating to protection of individual privacy and the appropriate balance to be achieved between protecting individual privacy and allowing appropriate uses of information, including the following:

(1) The monitoring, collection, and distribution of personal information by Federal, State, and local governments.

(2) Current efforts to address the monitoring, collection, and distribution of personal information by Federal and State governments, individuals, or entities, including—

(A) existing statutes and regulations relating to the protection of individual privacy, such as section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(B) legislation pending before the Congress;

(C) privacy protection efforts undertaken by the Federal Government, State governments, foreign governments, and international governing bodies;

(D) privacy protection efforts undertaken by the private sector; and

(E) self-regulatory efforts initiated by the private sector to respond to privacy issues.

(3) The monitoring, collection, and distribution of personal information by individuals or entities, including access to and use of medical records, financial records (including credit cards, automated teller machine cards, bank accounts, and Internet transactions), personal information provided to on-line sites accessible through the Internet, Social Security numbers, insurance records, education records, and driver's license numbers.

(4) Employer practices and policies with respect to the financial and health information of employees, including—

(A) whether employers use or disclose employee financial or health information for marketing, employment, or insurance underwriting purposes;

(B) what restrictions employers place on disclosure or use of employee financial or health information;

(C) employee rights to access, copy, and amend their own health records and financial information;

(D) what type of notice employers provide to employees regarding employer practices with respect to employee financial and health information; and

(E) practices of employer medical departments with respect to disclosing employee health information to administrative or other personnel of the employer.

(5) The extent to which individuals in the United States can obtain redress for privacy violations.

(6) The extent to which older individuals and disabled individuals are subject to exploitation involving the disclosure or use of their financial information.

(b) FIELD HEARINGS.—The Commission shall conduct at least 3 field hearings in different geographical regions of the United States.

(c) REPORT.—

(1) IN GENERAL.—Not later than December 31, 2001—

(A) a majority of the members of the Commission shall approve a report; and

(B) the Commission shall submit the approved report to the Congress and the President.

(2) CONTENTS.—The report shall include a detailed statement of findings, conclusions, and recommendations, including the following:

(A) Findings on potential threats posed to individual privacy.

(B) Analysis of purposes for which sharing of information is appropriate and beneficial to consumers.

(C) Analysis of the effectiveness of existing statutes, regulations, private sector self-regulatory efforts, technology advances, and market forces in protecting individual privacy.

(D) Recommendations on whether additional legislation is necessary, and if so, specific suggestions on proposals to reform or augment current laws and regulations relating to individual privacy.

(E) Analysis of purposes for which additional regulations may impose undue costs or burdens, or cause unintended consequences in other policy areas, such as security, law enforcement, medical research, employee benefits, or critical infrastructure protection.

(F) Cost analysis of legislative or regulatory changes proposed in the report.

(G) Recommendations on non-legislative solutions to individual privacy concerns, including education, market-based measures, industry best practices, and new technology.

(H) Review of the effectiveness and utility of third-party verification, including specifically with respect to existing private sector self-regulatory efforts.

(d) ADDITIONAL REPORT.—Together with the report under subsection (c), the Commission shall submit to the Congress and the President any additional report of dissenting opinions or minority views by a member of the Commission.

(e) INTERIM REPORT.—The Commission may submit to the Congress and the President an interim report approved by a majority of the members of the Commission.

SEC. 5. MEMBERSHIP.

(a) NUMBER AND APPOINTMENT.—The Commission shall be composed of 17 members appointed as follows:

(1) 4 members appointed by the President.

(2) 4 members appointed by the majority leader of the Senate.

(3) 2 members appointed by the minority leader of the Senate.

(4) 4 members appointed by the Speaker of the House of Representatives.

(5) 2 members appointed by the minority leader of the House of Representatives.

(6) 1 member, who shall serve as Chairperson of the Commission, appointed jointly by the President, the majority leader of the Senate, and the Speaker of the House of Representatives.

(b) DIVERSITY OF VIEWS.—The appointing authorities under subsection (a) shall seek to ensure that the membership of the Commission has a diversity of views and experiences on the issues to be studied by the Commission, such as views and experiences of Federal, State, and local governments, the media, the academic community, consumer groups, public policy groups and other advocacy organizations, business and industry (including small business), the medical community, the health care industry, civil liberties experts, and the financial services industry.

(c) DATE OF APPOINTMENT.—The appointment of the members of the Commission shall be made not later than 30 days after the date of the enactment of this Act.

(d) TERMS.—Each member of the Commission shall be appointed for the life of the Commission.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(f) COMPENSATION; TRAVEL EXPENSES.—Members of the Commission shall serve without pay, but shall receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.

(g) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(h) MEETINGS.—

(1) IN GENERAL.—The Commission shall meet at the call of the Chairperson or a majority of its members.

(2) INITIAL MEETING.—Not later than 45 days after the date of the enactment of this Act, the Commission shall hold its initial meeting.

SEC. 6. DIRECTOR; STAFF; EXPERTS AND CONSULTANTS.

(a) DIRECTOR.—

(1) IN GENERAL.—Not later than 40 days after the date of enactment of this Act, the Chairperson of the Commission shall appoint a Director without regard to the provisions of title 5, United States Code, governing appointments to the competitive service.

(2) PAY.—The Director shall be paid at the rate payable for level III of the Executive Schedule established under section 5314 of such title.

(b) STAFF.—The Director may appoint staff as the Director determines appropriate.

(c) APPLICABILITY OF CERTAIN CIVIL SERVICE LAWS.—

(1) IN GENERAL.—The staff of the Commission shall be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(2) PAY.—The staff of the Commission shall be paid in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for grade GS–15 of the General Schedule under section 5332 of that title.

(d) EXPERTS AND CONSULTANTS.—The Director may procure temporary and intermittent services under section 3109(b) of title 5, United States Code.

(e) STAFF OF FEDERAL AGENCIES.—

(1) IN GENERAL.—Upon request of the Director, the head of any Federal department or agency may detail, on a reimbursable basis, any of the personnel of that department or agency to the Commission to assist it in carrying out this Act.

(2) NOTIFICATION.—Before making a request under this subsection, the Director shall give notice of the request to each member of the Commission.

SEC. 7. POWERS OF COMMISSION.

(a) HEARINGS AND SESSIONS.—The Commission may, for the purpose of carrying out this Act, hold hearings, sit and act at times and places, take testimony, and receive evidence as the Commission considers appropriate. The Commission may administer oaths or affirmations to witnesses appearing before it.

(b) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission may, if authorized by the Commission, take any action which the Commission is authorized to take by this section.

(c) OBTAINING OFFICIAL INFORMATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Chairperson of the Commission submits a request to a Federal department or agency for information necessary to enable the Commission to carry out this Act, the head of that department or agency shall furnish that information to the Commission.

(2) EXCEPTION FOR NATIONAL SECURITY.—If the head of that department or agency determines that it is necessary to guard that information from disclosure to protect the national security interests of the United States, the head shall not furnish that information to the Commission.

(d) WEBSITE.—The Commission shall establish a website to facilitate public participation and the submission of public comments.

(e) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(f) ADMINISTRATIVE SUPPORT SERVICES.—Upon the request of the Director, the Administrator of General Services shall provide to the Commission, on a reimbursable basis, the administrative support services necessary for the Commission to carry out this Act.

(g) GIFTS AND DONATIONS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out this Act, but only to the extent or in the amounts provided in advance in appropriation Acts.

(h) CONTRACTS.—The Commission may contract with and compensate persons and government agencies for supplies and services, without regard to section 3709 of the Revised Statutes (41 U.S.C. 5).

(i) SUBPOENA POWER.—

(1) IN GENERAL.—The Commission may issue subpoenas requiring the attendance and testimony of witnesses and the production of any evidence relating to any matter that the Commission is empowered to investigate by section 4. The attendance of witnesses and the production of evidence may be required by such subpoena from any place within the United States and at any specified place of hearing within the United States.

(2) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued under paragraph (1), the Commission may apply to a United States district court for an order requiring that person to appear before the Commission to give testimony, produce evidence, or both, relating to the matter under

investigation. The application may be made within the judicial district where the hearing is conducted or where that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(3) SERVICE OF SUBPOENAS.—The subpoenas of the Commission shall be served in the manner provided for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure for the United States district courts.

(4) SERVICE OF PROCESS.—All process of any court to which application is made under paragraph (2) may be served in the judicial district in which the person required to be served resides or may be found.

SEC. 8. PRIVACY PROTECTIONS.

(a) DESTRUCTION OR RETURN OF INFORMATION REQUIRED.—Upon the conclusion of the matter or need for which individually identifiable information was disclosed to the Commission, the Commission shall either destroy the individually identifiable information or return it to the person or entity from which it was obtained, unless the individual that is the subject of the individually identifiable information has authorized its disclosure.

(b) DISCLOSURE OF INFORMATION PROHIBITED.—The Commission—

(1) shall protect individually identifiable information from improper use; and

(2) may not disclose such information to any person, including the Congress or the President, unless the individual that is the subject of the information has authorized such a disclosure.

(c) PROPRIETARY BUSINESS INFORMATION AND FINANCIAL INFORMATION.—The Commission shall protect from improper use, and may not disclose to any person, proprietary business information and proprietary financial information that may be viewed or obtained by the Commission in the course of carrying out its duties under this Act.

(d) INDIVIDUALLY IDENTIFIABLE INFORMATION DEFINED.—For the purposes of this Act, the term ''individually identifiable information'' means any information, whether oral or recorded in any form or medium, that identifies an individual, or with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

SEC. 9. BUDGET ACT COMPLIANCE.

Any new contract authority authorized by this Act shall be effective only to the extent or in the amounts provided in advance in appropriation Acts.

SEC. 10. TERMINATION.

The Commission shall terminate 30 days after submitting a report under section 4(c).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to the Commission $5,000,000 to carry out this Act.

(b) AVAILABILITY.—Any sums appropriated pursuant to the authorization in subsection (a) shall remain available until expended.

Mr. KOHL. Mr. President, I rise today to introduce the ''Privacy Commission Act'' with my colleagues Senator THOMPSON and Senator TORRICELLI. This legislation addresses privacy protection by creating an expert Commission charged with the duty to explore privacy concerns. We cannot underestimate the importance of this issue. Privacy matters, and it will continue to matter more and more in this information age of high speed data, Internet transactions, and lightning-quick technological advances.

Last November, Senator TORRICELLI and I introduced the ''Privacy Protection Study Commission Act of 1999,'' the first major piece of privacy legislation introduced in the 106th Congress. Our hope then, as now, was to gain a better informed understanding of the numerous privacy issues facing a high tech culture. Now, almost a year later, the privacy issue has grown in importance and public concern. As a result, I am pleased to renew my effort in this area with another privacy commission proposal.

There exists a massive wealth of information in today's world, which is increasingly stored electronically. In fact, experts estimate that the average American is ''profiled'' in up to 150 commercial electronic databases. That means that there is a great deal of data—in some cases, very detailed and personal—out there and easily accessible courtesy of the Internet revolution. With the click of a button it is possible to examine all sorts of personal information, be it an address, a criminal record, a credit history, a shopping preference, or even a medical file.

Generally, the uses of this data are benign, even beneficial. Occasionally, however, personal information is obtained surreptitiously, and even peddled to third parties for profit or other uses. This is especially troubling when, in many cases, people do not even know that their own personal information is being ''shopped.''

Two schools of thought exist on how we should address these privacy concerns. There are some who insist that we must do something and do it quickly. Others urge us to rely entirely on ''self-regulation''—according to them most companies will act reasonably and, if not, consumers will demand privacy protection as a condition for their continued business.

Both approaches have some merit, but also some problems. It is never beneficial to legislate by anecdote or on the basis of a few bad actors. In deed, enacting ''knee-jerk,'' ''quick-fix'' legislation could do more harm than good. By the same token, however, the longer Congress waits to enact legislation, the more frequent the anecdotes until they reach a point of critical mass. We are quickly reaching the point when Congress must act with or without the benefits of a study.

A privacy commission still has merit. The streamlined time frame—it could still be a bit shorter—helps ensure that the Commission will not interrupt other legislative privacy efforts, and the breadth of experts that it relies upon suggests that the commission's report will still be timely and worthwhile.

I commend Senator THOMPSON for his efforts and hope our proposal becomes law and Commission members are appointed before the end of this year.

Mr. ASHCROFT:

S. 3042. A bill to protect citizens against becoming victims of Internet fraud, to provide stiff penalties against those who target senior citizens, and to educate senior citizens on how to avoid being victimized by Internet or telemarketing fraud; to the Committee on the Judiciary.

AN ACT TO PREVENT INTERNET FRAUD AND FRAUD AGAINST THE ELDERLY

Mr. ASHCROFT. Mr. President, E-commerce is growing at an unprecedented rate—$8 billion last year. With this increase in online purchases, we have made more products and services available to Americans—regardless of where they live. We are working to bridge the digital divide so all Americans, even low income and rural Americans can benefit from the opportunities the Internet provides. However, one thing we don't want to make ubiquitous is Internet fraud. Along with convenience, easy price comparisons, and limitless selection—this new medium also has provided a new opportunity to those who make their living defrauding the public. Fraud over the Internet, just as fraud over telephone lines and mail, is an increasing problem.

In 1998, Congress passed the Telemarketing Fraud Prevention Act. I, like the rest of my colleagues recognized this problem and supported that effort. That law builds upon other federal laws that deal directly with telemarketing fraud. The 1998 law stiffened penalties for telemarketing fraud by toughening the sentencing guidelines—especially for crimes against the elderly. It requires criminal forfeiture to ensure the fruits of telemarketing crime are not used to commit further fraud, mandates victim restitution to ensure victims are the first ones compensated, adds conspiracy language to the list of telemarketing fraud penalties, and helps law enforcement zero in on quick-strike fraud operations by giving them the authority to move more quickly against suspected fraud.

While I supported that law, I believe we need to do more. According to the National Consumers League, consumers lost over $3.2 million to Internet fraud last year. This is a 38 percent increase from 1998. The actual figure probably is much higher, since this number reflects only those who reported incidents to the National Consumer League's Fraud Watch. While it is true consumer protection laws under the jurisdiction of the Federal Trade Commission have been interpreted to cover Internet fraud—those laws are inadequate. Therefore, today, I am introducing a bill, An Act to Prevent Internet Fraud and Fraud Against the Elderly, to ensure that Internet fraud also is covered by federal criminal laws. It is important to me that the stiffer penalties contained in the Telemarketing Fraud Prevention Act for those targeting the elderly also cover fraud perpetrated over the Internet.

Through work I have done over the last year, I have seen first hand the tragic results of schemes targeting our elderly. I held a hearing in the Commerce Committee's Subcommittee on

Consumer Affairs and heard heart breaking testimony about scam artists—targeting the elderly—who are maybe the worst criminals on the planet. They target people, who in the twilight of their lives may lose their life savings, their independence and their dignity. I held events in Missouri, with the regional director of the Federal Trade Commission, educating those most venerable to these schemes on how to avoid becoming a victim. According the National Consumers League, seniors are the target for more than 20 percent of Internet fraud. Although this is lower than the 56 percent of seniors targeted by unscrupulous telemarketers, the number will only increase as more and more of our seniors begin to use the Internet.

I strongly believe that education is crucial. That is why this bill also containing provisions giving the FTC the charge of educating our elderly. They currently have the largest network of information on fraud schemes. Through their Sentinel website, they have connected law enforcement agencies all over the world—giving them the ability to act quickly. In addition, they currently have the network in place designed to educate consumers on all areas of consumer protection law.

The bill I am introducing today will expand current law to include the same crimes committed over the Internet. As now, fraud cases would be divided between the Federal Trade Commission (FTC) and the Department of Justice.

Mr. President. We cannot allow the criminals to stay ahead of the law. Internet crimes are being quickly developed and identified. We must make sure they are just as quickly stopped. We must provide the legal framework to insist that these criminals do not slip through the system due to a loophole.

By Mr. TORRICELLI:

S. 3043. A bill to close loopholes in the firearms laws which allow the unregulated manufacture, assembly, shipment, or transportation of firearms or firearm parts, and for other purposes; to the Committee on the Judiciary.

GUN PARTS TRAFFICKING ACT OF 2000

Mr. TORRICELLI. Mr. President, I rise today to introduce the Gun Parts Trafficking Act of 2000.

For years, I have fought along with many of my colleagues against the gun violence that has plagued America. We have sought to keep firearms from the hands of children and those who would use them to do harm. After long debate, we succeeded in enacting a ban on assault weapons as well as the Brady bill requiring a criminal background check at the time of a firearms purchase—positive steps in the effort to protect our communities from gun violence.

Gun violence, however, continues to have a devastating impact on our nation. The statistics have been well documented, but bear repeating. In 1997 alone, more than 32,000 Americans were shot and killed. Fourteen children die from gunfire every day. The economic toll of firearms deaths and injuries on our country—$33 billion each year—is astronomical.

In light of these staggering figures it seems obvious that we must do more, including regulating guns like any other consumer product. But while we look forward, we must also be mindful of attempts by some to subvert the progress we have made.

Gun dealers are exploiting a loophole in current law that allows them to sell, through the US mail, gun kits containing virtually every single item needed to build an automatic weapon. When we enacted a ban on these deadly automatic weapons, we exempted automatic weapons legally owned prior to the ban. We also allowed replacement parts to be legally sold so that these grand-fathered weapons could be repaired by their owners, and we allowed these parts to be shipped through the nail.

These provisions, however, have been exploited and replacement part kits that can convert a legally owned firearm into an illegal automatic weapon are readily available and heavily advertised in numerous publications. Some of these kits even go so far as to provide a template that shows how to make this conversion. This is a flagrant effort to evade the laws of the United States. This activity must be stopped in order to maintain the integrity of our ban on assault weapons and protect our communities from gun violence. Legislation is needed that provides simple, common-sense measures to remedy the glaring loopholes in current law.

To that end, I am introducing the Gun Parts Trafficking Act of 2000, legislation designed to close the loopholes in existing law and end the sale of kits designed to convert legally owned firearms into illegal automatic weapons. The bill will expand the definition of ''firearm'' to include the main components of the weapon and will prohibit the manufacture or assembly of guns by an individual who does not have a license to do so.

I urge my colleagues to join me in support of the Gun Parts Trafficking Act and ask unanimous consent that the full text of the legislation be printed in the RECORD following my statement.

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

S. 3043

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 ''Gun Parts Trafficking Act of 2000''.

SEC. 2. PROHIBITION AGAINST SHIPMENT OR TRANSPORTATION OF FIREARM PARTS, WITH CERTAIN EXCEPTIONS.

Section 921(a)(3) of title 18, United States Code, is amended by striking ''or (D) any destructive device.'' and inserting ''(D) any destructive device; or (E) any parts or combination of parts that when assembled on a frame or receiver would constitute a firearm, as defined in this paragraph.''.

SEC. 3. PROHIBITION AGAINST MANUFACTURE OR ASSEMBLY OF FIREARMS BY PERSONS OTHER THAN LICENSED MANUFACTURERS.

Section 922 of title 18, United States Code, is amended by adding at the end the following:

''(z) It shall be unlawful for any person other than a licensed manufacturer to manufacture or assemble a firearm.''.

SEC. 4. INCREASE IN FEE FOR LICENSE TO MANUFACTURE FIREARMS.

Section 923(a)(1)(B) of title 18, United States Code, is amended by striking ''$50'' and inserting ''$500''.

SEC. 5. PROHIBITION AGAINST POSSESSION OR TRANSFER OF CERTAIN COMBINATIONS OF MACHINEGUN REPLACEMENT PARTS.

Section 5845(b) of the Internal Revenue Code of 1986 (National Firearms Act) is amended in the 2nd sentence by striking ''designed and intended solely and exclusively, or combination of parts designed and intended,'' and inserting ''or combination of parts designed and intended''.

SEC. 6. EFFECTIVE DATE.

The amendments made by this Act shall apply to conduct engaged in after the 60-day period that begins with the date of the enactment of this Act.

ADDITIONAL COSPONSORS

S. 317

At the request of Mr. DORGAN, the name of the Senator from Georgia (Mr. MILLER) was added as a cosponsor of S. 317, a bill to amend the Internal Revenue Code of 1986 to provide an exclusion for gain from the sale of farmland which is similar to the exclusion from gain on the sale of a principal residence.

S. 459

At the request of Mr. BREAUX, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 459, a bill to amend the Internal Revenue Code of 1986 to increase the State ceiling on private activity bonds.

S. 512

At the request of Mr. GORTON, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 512, a bill to amend the Public Health Service Act to provide for the expansion, intensification, and coordination of the activities of the Department of Health and Human Services with respect to research on autism.

S. 1020

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska (Mr. HAGEL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 1020, a bill to amend chapter 1 of title 9, United States Code, to provide for greater fairness in the arbitration process relating to motor vehicle franchise contracts.

S. 1536

At the request of Mr. DEWINE, the names of the Senator from Iowa (Mr. HARKIN), the Senator from Maine (Ms.

COLLINS), the Senator from Rhode Island (Mr. REED), the Senator from Iowa (Mr. GRASSLEY), the Senator from Washington (Mrs. MURRAY), and the Senator from Minnesota (Mr. WELLSTONE) were added as cosponsors of S. 1536, a bill to amend the Older Americans Act of 1965 to extend authorizations of appropriations for programs under the Act, to modernize programs and services for older individuals, and for other purposes.

S. 1729

At the request of Mr. CAMPBELL, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 1729, a bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails, and for other purposes.

S. 2044

At the request of Mr. CAMPBELL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 2044, a bill to allow postal patrons to contribute to funding for domestic violence programs through the voluntary purchase of specially issued postage stamps.

S. 2341

At the request of Mr. GREGG, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 2341, a bill to authorize appropriations for part B of the Individuals with Disabilities Education Act to achieve full funding for part B of that Act by 2010.

S. 2413

At the request of Mr. GRAMS, his name was added as a cosponsor of S. 2413, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify the procedures and conditions for the award of matching grants for the purchase of armor vests.

S. 2528

At the request of Ms. COLLINS, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 2528, a bill to provide funds for the purchase of automatic external defibrillators and the training of individuals in advanced cardiac life support.

S. 2644

At the request of Mr. GORTON, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2644, a bill to amend title XVIII of the Social Security Act to expand medicare coverage of certain self-injected biologicals.

S. 2700

At the request of Mr. L. CHAFEE, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2700, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to promote the cleanup and reuse of brownfields, to provide financial assistance for brownfields revitalization, to enhance State response programs, and for other purposes.

S. 2725

At the request of Mr. SMITH of New Hampshire, the name of the Senator from Rhode Island (Mr. L. CHAFEE) was added as a cosponsor of S. 2725, a bill to provide for a system of sanctuaries for chimpanzees that have been designated as being no longer needed in research conducted or supported by the Public Health Service, and for other purposes.

S. 2758

At the request of Mr. GRAHAM, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 2758, a bill to amend title XVIII of the Social Security Act to provide coverage of outpatient prescription drugs under the medicare program.

S. 2835

At the request of Mr. GRASSLEY, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 2835, a bill to provide an appropriate transition from the interim payment system for home health services to the prospective payment system for such services under the medicare program.

S. 2874

At the request of Mr. MOYNIHAN, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 2874, a bill to amend the Internal Revenue Code of 1986 to repeal the provision taxing policyholder dividends of mutual life insurance companies and to repeal the policyholders surplus account provisions.

S. 2894

At the request of Mr. LUGAR, the name of the Senator from Illinois (Mr. FITZGERALD) was added as a cosponsor of S. 2894, a bill to provide tax and regulatory relief for farmers and to improve the competitiveness of American agricultural commodities and products in global markets.

S. 2936

At the request of Mr. ROBB, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Nevada (Mr. BRYAN) were added as cosponsors of S. 2936, a bill to provide incentives for new markets and community development, and for other purposes.

S. 3007

At the request of Mrs. FEINSTEIN, the names of the Senator from Maryland (Ms. MIKULSKI) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 3007, a bill to provide for measures in response to a unilateral declaration of the existence of a Palestinian state.

S. 3016

At the request of Mr. ROTH, the name of the Senator from Florida (Mr. MACK) was added as a cosponsor of S. 3016, to amend the Social Security Act to establish an outpatient prescription drug assistance program for low-income medicare beneficiaries and medicare beneficiaries with high drug costs.

S. 3020

At the request of Mr. GRAMS, the names of the Senator from Virginia (Mr. ROBB), the Senator from Kentucky (Mr. BUNNING), and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 3020, a bill to require the Federal Communications Commission to revise its regulations authorizing the operation of new, low-power FM radio stations.

S. 3021

At the request of Mrs. HUTCHISON, the name of the Senator from Texas (Mr. GRAMM) was added as a cosponsor of S. 3021, a bill to provide that a certification of the cooperation of Mexico with United States counterdrug efforts not be required in fiscal year 2001 for the limitation on assistance for Mexico under section 490 of the Foreign Assistance Act of 1961 not to go into effect in that fiscal year.

S. 3035

At the request of Mr. BAUCUS, the name of the Senator from Nebraska (Mr. KERREY) was added as a cosponsor of S. 3035, a bill to amend title XI of the Social Security Act to create an independent and nonpartisan commission to assess the health care needs of the uninsured and to monitor the financial stability of the Nation's health care safety net.

S. RES. 304

At the request of Mr. BIDEN, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of S. Res. 304, a resolution expressing the sense of the Senate regarding the development of educational programs on veterans' contributions to the country and the designation of the week that includes Veterans Day as ''National Veterans Awareness Week'' for the presentation of such educational programs.

S. RES. 355

At the request of Mr. LEAHY, the names of the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Indiana (Mr. BAYH), the Senator from Minnesota (Mr. WELLSTONE), the Senator from Massachusetts (Mr. KERRY), and the Senator from New York (Mr. MOYNIHAN) were added as cosponsors of S. Res. 355, a resolution commending and congratulating Middlebury College.

SENATE CONCURRENT RESOLUTION 135—RECOGNIZING THE 25TH ANNIVERSARY OF THE ENACTMENT OF THE EDUCATION FOR ALL HANDICAPPED CHILDREN ACT OF 1975

Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. GREGG, Mr. DODD, Mr. DEWINE, Mr. HARKIN, Mr. ENZI, Ms. MIKULSKI, Ms. COLLINS, Mr. BINGAMAN, Mr. HAGEL, Mr. WELLSTONE, Mrs. MURRAY, Mr. REED, Mr. FRIST, and Mr. HUTCHINSON) submitted the following concurrent resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. CON. RES. 135

Whereas the Education for All Handicapped Children Act of 1975 (Public Law 94–

142) was signed into law 25 years ago on November 29, 1975, and amended the State grant program under part B of the Education of the Handicapped Act;

Whereas the Education for All Handicapped Children Act of 1975 established the Federal policy of ensuring that all children, regardless of the nature or severity of their disability, have available to them a free appropriate public education in the least restrictive environment;

Whereas the Education of the Handicapped Act was further amended by the Education of the Handicapped Act Amendments of 1986 (Public Law 99–457) to create a preschool grant program for children with disabilities 3 to 5 years of age and an early intervention program for infants and toddlers with disabilities from birth through age 2;

Whereas the Education of the Handicapped Act Amendments of 1990 (Public Law 101–476) renamed the statute as the Individuals with Disabilities Education Act (IDEA);

Whereas IDEA currently serves an estimated 200,000 infants and toddlers, 600,000 preschoolers, and 5,400,000 children 6 to 21 years of age;

Whereas IDEA has assisted in a dramatic reduction in the number of children with developmental disabilities who must live in State institutions away from their families;

Whereas the number of children with disabilities who complete high school has grown significantly since the enactment of IDEA;

Whereas the number of children with disabilities who enroll in college as freshmen has more than tripled since the enactment of IDEA;

Whereas IDEA has raised the Nation's expectations about the abilities of children with disabilities by requiring access to the general education curriculum;

Whereas improvements to IDEA made in 1997 changed the focus of a child's individualized education program from procedural requirements placed upon teachers and related services personnel to educational results for that child, thus improving academic achievement;

Whereas changes made in 1997 also addressed the need to implement behavioral assessments and intervention strategies for children whose behavior impedes learning to ensure that they receive appropriate supports in order to receive a quality education;

Whereas IDEA ensures full partnership between parents of children with disabilities and education professionals in the design and implementation of the educational services provided to children with disabilities;

Whereas IDEA has supported the classrooms of this Nation by providing Federal resources to the States and local schools to help meet their obligation to educate all children with disabilities;

Whereas, while the Federal Government has not yet met its commitment to fund part B of IDEA at 40 percent of the average per pupil expenditure, it has made significant increases in part B funding by increasing the appropriation by 115 percent since 1995, which is an increase of over $2,600,000,000;

Whereas the 1997 amendments to IDEA increased the amount of Federal funds that have a direct impact on students through improvements such as capping allowable State administrative expenses, which ensures that nearly 99 percent of funding increases directly reach local schools, and requiring mediation upon request by parents in order to reduce costly litigation;

Whereas such amendments also ensured that students whose schools cannot serve them appropriately and students who choose to attend private, parochial, and charter schools have greater access to free appropriate services outside of traditional public schools;

Whereas IDEA has supported, through its discretionary programs, more than two decades of research, demonstration, and training in effective practices for educating children with disabilities, enabling teachers, related services personnel, and administrators effectively to meet the instructional needs of children with disabilities of all ages;

Whereas Federal and State governments can support effective practices in the classroom to ensure appropriate and effective services for children with disabilities; and

Whereas IDEA has succeeded in marshalling the resources of this Nation to implement the promise of full participation in society of children with disabilities: Now, therefore, be it

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

(1) recognizes the 25th anniversary of the enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94–142);

(2) acknowledges the many and varied contributions of children with disabilities, their parents, teachers, related services personnel, and administrators; and

(3) reaffirms its support for the Individuals with Disabilities Education Act so that all children with disabilities have access to a free appropriate public education.

Mr. JEFFORDS. Mr. President, I rise to introduce a resolution commemorating the 25th anniversary of the signing of the Education for All Handicapped Children Act—known today as the Individuals with Disabilities Education Act, or IDEA. I am joined in this effort by many of my colleagues in the Senate and by Chairman GOODLING and others in the House, who are proposing a companion resolution today.

On November 29, 1975, President Gerald Ford signed landmark legislation which became Public Law 94–142. With the stroke of his pen, he opened the doors of our public schools to millions of children with disabilities. Public Law 94–142 serves as the foundation of our national commitment to assuring that children with disabilities have the same opportunity as all other American children to develop their talents, share their gifts, and contribute to their communities. Over the years, we have built upon this foundation by expanding its reach to pre-school children through early intervention programs.

This anniversary holds a special meaning for me. I am one of the few members now in this body who were present at the time the Education for All Handicapped Children Act was approved. It was one of the first pieces of legislation I worked on as a freshman member of the House of Representatives. At that time, despite a clear Constitutional obligation to educate all children, regardless of disability, thousands of disabled students were denied access to a public education.

I was an original sponsor of Public Law 94–142 and had the opportunity to serve on the House-Senate conference committee which developed the final bill. Since then, I have actively supported the improvements made to the legislation over the past quarter century. I take great satisfaction in the extraordinary record of success this Act has built.

IDEA currently serves an estimated two hundred thousand infants and toddlers; six hundred thousand preschoolers; and almost 5.5 million children aged 6 to 21. The drop-out rate for this population has decreased, while the graduation rate has increased substantially. The number of young adults with disabilities enrolling in college has more than tripled. The number of children with developmental disabilities who live in state institutions, away from their families, has also been dramatically reduced.

Each one of these numbers represents a child whose life has been improved because we recognized the value of educating all our children. The contribution we made through legislation is an important one, but the real credit belongs to the people on the front lines who have seen to it that our goals have become realities. Teachers, related services personnel, administrators, professional and advocacy organizations, parents of children with disabilities, and the children themselves work each day to assure the promise of IDEA burns brightly.

Today we celebrate the progress that we have made in special education since 1975. It is also an appropriate time to consider the challenges and opportunities which lie ahead. I cannot talk about IDEA without mentioning yet again our unfulfilled promise. In 1975, Congress promised our 16,000 school districts that we would provide special education funding at 40% of the national average per pupil expenditure. As we all know, IDEA has never been funded at that level. We have improved our record in recent years, with large increases in appropriations. Even with this infusion of funds, the federal government provides less than 13% of the cost of special education services. We need to do more, and now is the time to do it.

The knowledge base we have developed over the past 25 years, coupled with continued advances in technology, hold the promise for astonishing progress in the future for students with disabilities. These students can now communicate, explore the world through the internet, and be mobile in ways we could not have imagined in 1975. If we are willing to commit the necessary resources, there is virtually no limit to the advances we could see over the next 25 years. I urge all my colleagues to join in supporting this resolution and in reaffirming the values and principles underlying IDEA.

Ms. COLLINS. Mr. President, I am pleased to be a cosponsor of the Resolution Commemorating the 25th Anniversary of the Individuals with Disabilities Education Act. This law has had a very positive impact on the lives of millions of disabled Americans. In fact, since its enactment, the number of children with disabilities who complete high school has grown significantly, and the number who enroll in college has more than tripled. Academic achievement is increasing, along with

the nation's expectations about the abilities of children with disabilities. Our commitment to a quality education for everybody now extends to America's six million students with disabilities.

We know that special education is not a ''place'' or a ''label,'' but a set of services that allow children to succeed in school, go on to lead productive lives, and enter the world of work. This is something that matters to me because it means so much to the people in Maine who have been able to lead productive lives because the Individuals with Disabilities Education Act afforded them the quality education they deserved.

This is why we need to increase consistently the Federal financial support for the Individuals with Disabilities Education Act—so that the Federal Government does, in fact, pay each school in America 40 percent of the national average per pupil expenditure for every special education student enrolled. Washington made that promise to our local communities when it passed IDEA.

For example, this year in Maine, local schools will receive only $702 per special education student under IDEA—$1698 per student less than the $2400 it would receive if the Federal Government paid its share. In total, Maine will receive $60 million less than it was promised. According to the U.S. Department of Education, the unmet amount stands at an astounding $11 billion nationally. We cannot continue to shift this burden to our local communities. We must meet the Federal commitment to help pay for special education costs.

Let us take the 25th anniversary of the Individuals with Disabilities Education Act to recognize the positive impact this law has on every community in the United States, but let us not forget our Federal commitment of 40 percent to help our schools and communities implement the Individuals with Disabilities Education Act.

SENATE RESOLUTION 356—TO AUTHORIZE DOCUMENTARY PRODUCTION BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. LOTT (for himself and Mr. DASCHLE) submitted the following resolution; which was considered and agreed to:

S. RES. 356

Whereas, the Federal Bureau of Investigation has requested that the Senate Select Committee on Intelligence provide it with a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during its closed February 22, 2000 hearing, in connection with a pending inquiry into the alleged improper handling of classified information by Mr. Deutch;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate; Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the Federal Bureau of Investigation, under appropriate security procedures, a certified copy of the transcript of its closed February 22, 2000 hearing.

SENATE RESOLUTION 357—WELCOMING PRIME MINISTER ATAL BIHARI VAJPAYEE, PRIME MINISTER OF INDIA, UPON HIS FIRST OFFICIAL VISIT TO THE UNITED STATES, AND FOR OTHER PURPOSES

Mr. BROWNBACK (for himself and Mr. WELLSTONE) submitted the following resolution; which was considered and agreed to:

S. RES. 357

Whereas the United States and India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship and commerce and, increasingly, of kinship among our people;

Whereas the million-strong Indian-American community in the United States has enriched and enlivened the societies of both the United States and India, and this community provides a strong bond between India and the United States and is playing an important role in deepening and strengthening cooperation between India and the United States; and

Whereas the visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step in the broadening and strengthening of relations between the United States and India: Now, therefore, be it

Resolved, That the Senate hereby—

(1) welcomes the Prime Minister of India, Atal Bihari Vajpayee, upon his first official visit to the United States;

(2) pledges its commitment to the expansion of ties between the United States and India, to the mutual benefit of both countries; and

(3) recognizes that the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and India.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Prime Minister of India, Atal Bihari Vajpayee.

AMENDMENTS SUBMITTED

U.S.-CHINA RELATIONS ACT OF 2000

FEINGOLD AMENDMENT NO. 4138

Mr. FEINGOLD proposed an amendment to the bill, H.R. 4444, to authorize extension of non-discriminatory 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; as follows:

On page 44, beginning on line 4, strike all through page 45, line 12, and insert the following:

(g) ANNUAL REPORTS.—The Commission shall issue a report to the President and the Congress not later than 12 months after the date of the enactment of this Act, and not later than the end of each 12-month period thereafter, setting forth the findings of the Commission during the preceding 12-month period, in carrying out subsections (a) through (c). The Commission's report shall contain recommendations for legislative or executive action, including recommendations indicating whether or not a change in China's trade status is merited.

(h) SPECIFIC INFORMATION IN ANNUAL REPORTS.—The Commission's report under subsection (g) shall include specific information as to the nature and implementation of laws or policies concerning the rights set forth in paragraphs (1) through (12) of subsection (a), and as to restrictions applied to or discrimination against persons exercising any of the rights set forth in such paragraphs.

(i) CONGRESSIONAL PRIORITY PROCEDURES.—

(1) INTRODUCTION AND REFERRAL OF RESOLUTIONS.—

(A) IN GENERAL.—Not later than 10 session days after receipt of the Commission's report by a House of Congress, the Majority Leader of that House shall introduce a joint resolution in that House providing for the implementation of such recommendations of the Commission's report as require statutory implementation. In the case of the Senate, such resolution shall be referred to the Committee on Foreign Relations and, in the case of the House of Representatives, such resolution shall be referred to the Committee on International Relations. In the consideration of resolutions referred under this subparagraph, such committees shall hold hearings on the contents of the Commission's report and the recommendations contained therein for the purpose of receiving testimony from Members of Congress, and such appropriate representatives of Federal departments and agencies, and interested persons and groups, as the committees deem advisable.

(B) SESSION DAY DEFINED.—The term ''session day'' means, with respect to a House of Congress, any day on which the House of Congress is in session.

(2) PROCEDURE FOR DISCHARGE OF COMMITTEES.—If the committee to which is referred such resolution has not reported such resolution at the end of 15 calendar days after its introduction, such committee shall be discharged from further consideration of such resolution and such resolution shall be placed on the appropriate calendar of the House involved.

(3) MOTION TO PROCEED.—When the committee to which a resolution is referred has reported, or has been deemed to be discharged (under paragraph (2)) from further consideration of, a resolution described in paragraph (1), notwithstanding any rule or

precedent of the Senate, including Rule 22, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution, and all points of order against the resolution (and against consideration of the resolution) are waived. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the resolution shall remain the unfinished business of the respective House until disposed of.

(4) The provisions of paragraphs (1) through (3) are enacted by

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

CRAIG (AND WYDEN) AMENDMENT NO. 4139

Mr. CRAIG (for himself, and Mr. WYDEN) proposed an amendment to the bill, S. 1608, to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure Rural Schools and Community Self-Determination Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.
Sec. 4. Conforming Amendment.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.
Sec. 208. Allocation of proceeds.
Sec. 209. Termination of authority.

TITLE III—COUNTY PROJECTS

Sec. 301. Definitions.
Sec. 302. Use of County Funds.
Sec. 303. Termination of Authority.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Authorization of appropriations.
Sec. 402. Treatment of funds and revenues.
Sec. 403. Regulations.
Sec. 404. Conforming amendments.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

Sec. 501. Short Title.
Sec. 502. Findings.
Sec. 503. Amendment of the Mineral Leasing Act.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominantly by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to:

(A) Road, trail, and infrastructure maintenance or obliteration;

(B) Soil productivity improvement;

(C) Improvements in forest ecosystem health;

(D) Watershed restoration and maintenance;

(E) Restoration, maintenance and improvement of wildlife and fish habitat;

(F) Control of noxious and exotic weeds; and

(G) Reestablishment of native species;

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term 'Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–10912); and

(B) Such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands as are or may hereafter come under the jurisdiction of the

Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site lands valuable for timber, that shall be managed, except as provided in 43 U.S.C. 1181c of this title, for permanent forest production.

(2) ELIGIBILITY PERIOD.—The term ''eligibility period'' means fiscal year 1986 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term ''eligible county'' means a county that received 50–percent payments for one or more fiscal years of the eligibility period or a county that received a portion of an eligible State's 25–percent payments for one or more fiscal years of the eligibility period. The term includes a county established after the date of the enactment of this Act so long as the county includes all or a portion of a county described in the preceding sentence.

(4) ELIGIBLE STATE.—The term ''eligible State'' means a State that received 25–percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term ''full payment amount'' means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENTS.—The term ''25-percent payments'' means the payments to States required by the sixth paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 as amended (16 U.S.C. 500).

(7) 50-PERCENT PAYMENTS.—The term ''50-percent payments'' means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term ''safety net payments'' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

SEC. 4. CONFORMING AMENDMENT.

Section 6903(a)(1)(C) of title 31, United States Code, is amended by adding after ''(16 U.S.C. 500)'' the following: ''or the Secure Rural Schools and Community Self-Determination Act of 2000''.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible State that received a 25-percent payment during the eligibility period an amount equal to the average of the three highest 25-percent payments and safety net payments made to that eligible State for the fiscal years of the eligibility period.

(2) BLM COUNTIES.—For fiscal years 2001 through 2006, the Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for the fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect 50 percent of the changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) PAYMENT AMOUNTS.—The Secretary of the Treasury shall pay an eligible State the sum of the amounts elected under subsection (b) by each eligible county for either—

(1) the 25-percent payment under the Act of May 23, 1908, as amended (16 U.S.C. 500), or

(2) The full payment amount in place of the 25-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) The election to receive either the full payment amount or the 25 percent payment shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State.

(2) A county election to receive the 25–percent payment shall be effective for two fiscal years.

(3) When a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years through fiscal year 2006.

(4) The payment to an eligible State under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in subsection 3(1)(A) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (b) shall distribute the payment among all eligible counties in the State in accordance with the Act of May 23, 1908 as amended.

(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (b) and distributed to eligible counties shall be expended as required by 16 U.S.C. 500.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—If an eligible county elects to receive its share of the full payment amount—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall:

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) Distribution of Funds.—

(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—

(A) IN GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (b) in the same manner in which the 25-percent payments are required to be expended, and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding any adjustment made pursuant to Section 101(b) in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (b), the eligible county may elect to expend all such funds in accordance with subsection (c)(2).

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) The Secretary of the Treasury shall pay an eligible county either—

(1) the 50-percent payment under the Act of August 28, 1937, as amended (43 U.S.C. 1181f) or the Act of May 24, 1939 (43 U.S.C. 1181f–1) as appropriate, or

(2) the full payment amount in place of the 50-percent payment.

(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

(1) The election to receive the full payment amount shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years through fiscal year 2006.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management on the Federal Lands described in subsection 3(1)(B) and to the extent of any shortfall, out of any funds in the Treasury not otherwise appropriated.

(c) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be paid to an eligible county pursuant to subsection (b)—

(A) Not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) At the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall:

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 402(b).

(2) DISTRIBUTION OF FUNDS.—

(A) Funds reserved by an eligible county under paragraph (1)(B)(i) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(B) Funds reserved by an eligible county under paragraph (1)(B)(ii) shall be available for expenditure by the county and shall remain available, until expended, in accordance with title III.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (b). If the eligible county fails to

make an election by that date, the county is deemed to have elected to expend 85 percent on the funds received under subsection (b) in the same manner in which the 50-percent payments are required to be expended and shall remit the balance to the Treasury of the United States in accordance with section 402(b).

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under sections 102(d)(1)(B)(i) or 103(c)(1)(B)(i) to expend a portion of those funds in accordance with this title.

(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under sections 102 (d)(1)(B)(i) and 103 (c)(1)(B)(i) to reserve for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) or a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term 'Secretary concerned' means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing federal agencies, state and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on Federal land and on non-Federal land where projects would benefit these resources on Federal land.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2006, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from state or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2(b).

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, it shall be deemed a federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIALS SALES CONTRACTING PILOT PROJECTS.—

(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program regarding the sale of merchantable material under this title. Such a program shall ensure that, on an annual basis, no less than 75 percent of all projects involving merchantable material shall be implemented using separate contracts for—

(i) the harvesting or collection of merchantable material; and

(ii) the sale of such material.

(B) DURATION AND EXTENT.—

(i) The Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2001, no less than 75 percent of projects involving merchantable material shall be included in the pilot program.

(ii) Not later than September 30, 2003, the Government Accounting Office (GAO) shall

submit a report to the Senate Energy and Natural Resources Committee, the House of Representatives Agriculture Committee and the House of Representatives Resources Committee assessing the pilot program.

(iii) If the GAO determines that the pilot program is ineffective at that time, then the Secretary concerned shall ensure that, on an annual basis beginning in fiscal year 2004, no less than 50 percent of projects involving merchantable material shall be implemented using separate contracts.

(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated to the following purposes:

(1) road maintenance, decommissioning or obliteration; and

(2) restoration of streams and watersheds.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain a resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of the title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed under this title and under title III by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203 and to the participating county under title III;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title and title III; and

(4) provide frequent opportunities for citizens, organizations, Tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title and title III.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following three categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold state elected office or their designee,

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized.

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the state in which the committee has geographic jurisdiction.

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—

(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title and the participating county under title III. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), or to the participating county under section 302, if it has been approved by a majority of members of the committee from each of the three categories in subsection (d)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent years fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2006, a resource advisory committee shall submit to the Secretary concerned pursuant to section

203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to Section 209, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(c) EFFECT OF REJECTION OF PROJECTS.—Subject to Section 209, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(d)(1)(B) or 103(c)(1)(B), whichever applies to the funds involved.

SEC. 208. ALLOCATION OF PROCEEDS.

The proceeds from any joint project under section 203(a)(3) using both federal and nonfederal funds shall be equitably divided between the Treasury of the United States and the nonfederal funding source in direct proportion to the contribution of funds to the overall cost of the project.

SEC. 209. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any project funds not obligated by September 30, 2007, shall be deposited in the Treasury of the United States.

TITLE III—COUNTY PROJECTS

SEC. 301. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that—

(A) receives Federal funds pursuant to section 102(b)(1) or 103(b)(1); and

(B) elects under sections 102(d)(1)(B)(ii) or 103(c)(1)(B)(ii) to expend a portion of those funds in accordance with this title.

(2) COUNTY FUNDS.—The term ''county funds'' means all funds an eligible county elects under sections 102(d)(1)(B)(ii) and 103(c)(1)(B)(ii) to reserve for expenditure in accordance with this title.

SEC. 302. USE OF COUNTY FUNDS.

(a) LIMITATION OF COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act; except that: the projects shall be approved by the participating county rather than the Secretary concerned.

(b) AUTHORIZED USES.—

(1) SEARCH, RESCUE, AND EMERGENCY SERVICES.—An eligible county or applicable sheriff's department may use these funds as reimbursement for search and rescue and other emergency services, including fire fighting, performed on Federal lands and paid for by the county.

(2) COMMUNITY SERVICE WORK CAMPS.—An eligible county may use these funds as reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

(3) EASEMENT PURCHASES.—An eligible county may use these funds to acquire—

(A) easements, on a willing seller basis, to provide for non-motorized access to public lands for hunting, fishing, and other recreational purposes;

(B) conservation easements; or

(C) both.

(4) FOREST RELATED EDUCATIONAL OPPORTUNITIES.—A county may use these funds to establish and conduct forest-related after school programs.

(5) FIRE PREVENTION AND COUNTY PLANNING.—A county may use these funds for:

(A) efforts to educate homeowners in fire-sensitive ecosystems about the consequences of wildfires and techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires; and

(B) planning efforts to reduce or mitigate the impact of development on adjacent federal lands and to increase the protection of people and property from wildfires.

(6) COMMUNITY FORESTRY.—A county may use these funds towards non Federal cost-share provisions of the Section 9 of the Cooperative Forestry Assistance Act (Public Law 95–313).

SEC. 303. TERMINATION OF AUTHORITY.

The authority to initiate projects under this title shall terminate on September 30, 2006. Any county funds not obligated by September 30, 2007 shall be available to be expended by the county for the uses identified in Section 302(b).

TITLE IV—MISCELLANEOUS PROVISIONS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as may be necessary to carry out this Act for fiscal years 2001 through 2006.

SEC. 402. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 401 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) All revenues generated from projects pursuant to Title II, any funds remitted by counties pursuant to section 102 (d)(1)(B) or section 103(c)(1)(B), and any interest accrued from such funds shall be deposited in the Treasury of the United States.

SEC. 403. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 404. CONFORMING AMENDMENTS.

Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181fnote) are repealed.

TITLE V—THE MINERAL REVENUE PAYMENTS CLARIFICATION ACT OF 2000

SEC. 501. SHORT TITLE.

This Act may be cited as the ''The Mineral Revenue Payments Clarification Act of 2000''.

SEC. 502. FINDINGS.

The Congress finds the following:

(1) Subtitle C of title X of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66) changed the sharing of onshore mineral revenues and revenues from geothermal steam from a 50:50 split between the Federal Government and the States to a complicated formula that entailed deducting from the State share of leasing revenues ''50 percent of the portion of the enacted appropriations of the Department of the Interior and any other agency during the preceding fiscal year allocable to the administration of all laws providing for the leasing of any onshore lands or interest in land owned by the United States for the production of the same types of minerals leasable under this Act or of geothermal steam, and to enforcement of such laws. . . .''

(2) There is no legislative record to suggest a sound public policy rationale for deducting prior-year administrative expenses from the sharing of current-year receipts, indicating that this change was made primarily for budget scoring reasons.

(3) The system put in place by this change in law has proved difficult to administer and has given rise to disputes between the Federal Government and the States as to the nature of allocable expenses. Federal accounting systems have proven to be poorly suited to breaking down administrative costs in the manner required by the law. Different Federal agencies implementing this law have used varying methodologies to identify allocable costs, resulting in an inequitable distribution of costs during fiscal years 1994 through 1996. In November, 1997, the Inspector General of the Department of the Interior found that ''the congressionally approved method for cost sharing deductions effective in fiscal year 1997 may not accurately compute the deductions.''.

(4) Given the lack of a substantive rationale for the 1993 change in law and the complexity and administrative burden involved, a return to the sharing formula prior to the enactment of the Omnibus Budget Reconciliation Act of 1993 is justified.

SEC. 503. AMENDMENT OF THE MINERAL LEASING ACT.

Section 35(b) of the Mineral Leasing Act (30 U.S.C. sec. 191(b)) is amended to read as follows: ''(b) In determining the amount of payments to the States under this section, the amount of such payments shall not be reduced by any administrative or other costs incurred by the United States.''

Amend the title so as to read: ''A bill to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands.''

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, September 13, 2000, to conduct a symposium on circulating coin design.

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

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, September 13, 2000, at 9:30 a.m. on marketing violence to children.

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

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROTH. Mr. President I ask unanimous consent that the Committee on

Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13, for purposes of conducting a Full Committee business meeting which is scheduled to begin at 9:30 a.m. The purpose of this business meeting is to consider pending calendar business.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, September 13, 2000 at 2:00 p.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Governmental Affairs be authorized to meet on Wednesday, September 13, 2000 at 9:00 a.m. for a hearing to consider the nominations of Gerald Fisher and John Ramsey Johnson to be Associate Judges of the Superior Court of the District of Columbia.

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

COMMITTEE ON INDIAN AFFAIRS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to hold a business meeting on September 13, 2000, in the Russell Senate Office Building room number 485, immediately following the 2:30 p.m. hearing on S. 2899, where S. 2920, a bill to amend the Indian Gaming Regulatory Act; S. 2688, a bill to amend the Native American Languages Act; and S. 2899, a bill to express the policy of the United States regarding the United States' relationship with Native Hawaiians, will be considered.

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

COMMITTEE ON SMALL BUSINESS

Mr. ROTH. Mr. President, I ask unanimous consent that the Committee on Small Business be authorized to meet during the session of the Senate on Wednesday, September 13, 2000, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building to hold a roundtable entitled ''What Is Contract Bundling?''.

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

SPECIAL COMMITTEE ON AGING

Mr. ROTH. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, September 13, 2000 from 10:30 a.m.–12:30 p.m. in Dirksen 608 for the purpose of conducting a hearing.

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROTH. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, September 13, 2000 at 2:00 p.m. to hold a closed hearing on intelligence matters.

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

SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Fisheries, Wildlife, and Water be authorized to meet during the session of the Senate on Wednesday, September 13, 9:30 a.m. to conduct a hearing to receive testimony on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy.

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

SUBCOMMITTEE ON FORESTS AND PUBLIC LANDS

Mr. ROTH. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Lands of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Wednesday, September 13, at 2:15 p.m. to conduct a hearing. The subcommittee will receive testimony on S. 2873, a bill to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States; H.R. 3676, a bill to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California; and its companion, S. 2784, a bill entitled, ''Santa Rosa and San Jacinto Mountains National Monument Act of 2000''; S. 2865, a bill to designate certain land of the National Forest System located in the State of Virginia as wilderness; S. 2956 and its companion bill, H.R. 4275, a bill to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and for other purposes; and S. 2977, a bill to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonomotorized vehicles.

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

SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 1999

Mr. CRAIG. Mr. President, I am pleased my colleague from Oregon has joined with me on the floor as we now consider, by unanimous consent, a key piece of legislation on which he, Senator WYDEN, and I have been working.

I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 520, S. 1608.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1608) to provide annual payments to the States and counties from National Forest System lands managed by the Forest Service, and the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands managed predominately by the Bureau of Land Management, for use by the counties in which the lands are situated for the benefit of the public schools, roads, emergency and other public purposes; to encourage and provide new mechanisms for cooperation between counties and the Forest Service and the Bureau of Land Management to make necessary investments in Federal lands, and reaffirm the positive connection between Federal Lands counties and Federal Lands; and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Secure Rural Schools and Community Self-Determination Act of 2000''.

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purpose.
Sec. 3. Definitions.

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

Sec. 101. Determination of full payment amount for eligible States and counties.
Sec. 102. Payments to States from Forest Service lands for use by counties to benefit public education and transportation.
Sec. 103. Payments to counties from Bureau of Land Management lands for use to benefit public safety, law enforcement, education, and other public purposes.

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

Sec. 201. Definitions.
Sec. 202. General limitation on use of project funds.
Sec. 203. Submission of project proposals.
Sec. 204. Evaluation and approval of projects by Secretary concerned.
Sec. 205. Resource advisory committees.
Sec. 206. Use of project funds.
Sec. 207. Availability of project funds.

TITLE III—MISCELLANEOUS PROVISIONS

Sec. 301. Authorization of appropriations.
Sec. 302. Treatment of funds and revenues.
Sec. 303. Regulations.
Sec. 304. Conforming amendments.

SEC. 2. FINDINGS AND PURPOSE.

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

(1) The National Forest System, which is managed by the United States Forest Service, was established in 1907 and has grown to include approximately 192,000,000 acres of Federal lands.

(2) The public domain lands known as revested Oregon and California Railroad grant lands and the reconveyed Coos Bay Wagon Road grant lands, which are managed predominately by the Bureau of Land Management were returned to Federal ownership in 1916 and 1919 and now comprise approximately 2,600,000 acres of Federal lands.

(3) Congress recognized that, by its decision to secure these lands in Federal ownership, the counties in which these lands are situated would be deprived of revenues they would otherwise receive if the lands were held in private ownership.

(4) These same counties have expended public funds year after year to provide services, such

as education, road construction and maintenance, search and rescue, law enforcement, waste removal, and fire protection, that directly benefit these Federal lands and people who use these lands.

(5) To accord a measure of compensation to the affected counties for the critical services they provide to both county residents and visitors to these Federal lands, Congress determined that the Federal Government should share with these counties a portion of the revenues the United States receives from these Federal lands.

(6) Congress enacted in 1908 and subsequently amended a law that requires that 25 percent of the revenues derived from National Forest System lands be paid to States for use by the counties in which the lands are situated for the benefit of public schools and roads.

(7) Congress enacted in 1937 and subsequently amended a law that requires that 75 percent of the revenues derived from the revested and reconveyed grant lands be paid to the counties in which those lands are situated to be used as are other county funds, of which 50 percent is to be used as other county funds.

(8) For several decades primarily due to the growth of the Federal timber sale program, counties dependent on and supportive of these Federal lands received and relied on increasing shares of these revenues to provide funding for schools and road maintenance.

(9) In recent years, the principal source of these revenues, Federal timber sales, has been sharply curtailed and, as the volume of timber sold annually from most of the Federal lands has decreased precipitously, so too have the revenues shared with the affected counties.

(10) This decline in shared revenues has affected educational funding and road maintenance for many counties.

(11) In the Omnibus Budget Reconciliation Act of 1993, Congress recognized this trend and ameliorated its adverse consequences by providing an alternative annual safety net payment to 72 counties in Oregon, Washington, and northern California in which Federal timber sales had been restricted or prohibited by administrative and judicial decisions to protect the northern spotted owl.

(12) The authority for these particular safety net payments is expiring and no comparable authority has been granted for alternative payments to counties elsewhere in the United States that have suffered similar losses in shared revenues from the Federal lands and in the funding for schools and roads those revenues provide.

(13) There is a need to stabilize education and road maintenance funding through predictable payments to the affected counties, job creation in those counties, and other opportunities associated with restoration, maintenance, and stewardship of federal lands.

(14) Both the Forest Service and the Bureau of Land Management face significant backlogs in infrastructure maintenance and ecosystem restoration that are difficult to address through annual appropriations.

(15) There is a need to build new, and strengthen existing, relationships and to improve management of public lands and waters.

(b) PURPOSES.—The purposes of this Act are—

(1) to stabilize and make permanent payments to counties to provide funding for schools and roads;

(2) to make additional investments in, and create additional employment opportunities through, projects that improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality. Such projects shall enjoy broad-based support with objectives that may include, but are not limited to:

(A) Road, trail, and infrastructure maintenance or obliteration;

(B) Soil productivity improvement;

(C) Improvements in forest ecosystem health;

(D) Watershed restoration and maintenance;

(E) Restoration, maintenance and improvement of wildlife and fish habitat;

(F) Control of noxious and exotic weeds;

(G) Reestablishment of native species; and

(H) General resource stewardship.

(3) to improve cooperative relationships among the people that use and care for Federal lands and the agencies that manage these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) FEDERAL LANDS.—The term ''Federal lands'' means—

(A) lands within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–10912); and

(B) the Oregon and California Railroad grant lands revested in the United States by the Act of June 9, 1916 (chapter 137; 39 Stat. 218), Coos Bay Wagon Road grant lands reconveyed to the United States by the Act of February 26, 1919 (chapter 47; 40 Stat. 1179), and subsequent additions to such lands.

(2) ELIGIBILITY PERIOD.—The term ''eligibility period'' means fiscal year 1984 through fiscal year 1999.

(3) ELIGIBLE COUNTY.—The term ''eligible county'' means a county or borough that received 50-percent payments for one or more fiscal years of the eligibility period or a county or borough that received a portion of an eligible State's 25-percent payments for one or more fiscal years of the eligibility period. The term includes a county or borough established after the date of the enactment of this Act so long as the county or borough includes all or a portion of a county or borough described in the preceding sentence.

(4) ELIGIBLE STATE.—The term ''eligible State'' means a State that received 25-percent payments for one or more fiscal years of the eligibility period.

(5) FULL PAYMENT AMOUNT.—The term ''full payment amount'' means the amount calculated for each eligible State and eligible county under section 101.

(6) 25-PERCENT PAYMENTS.—The term ''25-percent payments'' means the payments to States required by the sixth paragraph under the heading of ''FOREST SERVICE'' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

(7) 50-PERCENT PAYMENTS.—The term ''50-percent payments'' means the payments that are the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

(8) SAFETY NET PAYMENTS.—The term ''safety net payments'' means the payments to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LANDS

SEC. 101. DETERMINATION OF FULL PAYMENT AMOUNT FOR ELIGIBLE STATES AND COUNTIES.

(a) CALCULATION REQUIRED.—

(1) ELIGIBLE STATES.—The Secretary of the Treasury shall calculate for each eligible State an amount equal to the average of the three highest 25-percent payments and safety net payments made to the eligible counties in that State for fiscal years of the eligibility period,

(2) BLM COUNTIES.—The Secretary of the Treasury shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the average of the three highest 50-percent payments and safety net payments made to that eligible county for fiscal years of the eligibility period.

(b) ANNUAL ADJUSTMENT.—For each fiscal year in which payments are required to be made to eligible States and eligible counties under this title, the Secretary of the Treasury shall adjust the full payment amount for the previous fiscal year for each eligible State and eligible county to reflect changes in the consumer price index for rural areas (as published in the Bureau of Labor Statistics) that occur after publication of that index for fiscal year 2000.

SEC. 102. PAYMENTS TO STATES FROM NATIONAL FOREST SYSTEM LANDS FOR USE BY COUNTIES TO BENEFIT PUBLIC EDUCATION AND TRANSPORTATION.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE STATES.—The Secretary of the Treasury shall make to each eligible State a payment in accordance with subsection (b) for each fiscal year beginning in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—Except as provided in subsection (c), the payment to an eligible State for a fiscal year shall consist of the 25-percent payment applicable to that State for that fiscal year as described in section 3(6).

(c) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) An eligible State may elect to receive the full payment amount as described in sections 101(a)(1) and 101(b), in lieu of the payment described in subsection (b). The election shall be made at the discretion of each affected county and transmitted to the Secretary by the Governor of a State. Each such county election shall be effective for two fiscal years.

(2) Except that, when a county elects to receive the full payment amount, such election shall be effective for all the subsequent fiscal years.

(3) The payment to an eligible State under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Forest Service on the Federal lands described in subsection 3(1)(A) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

(1) DISTRIBUTION METHOD.—An eligible State that elects to receive a payment under subsection (c) shall distribute the payment among all eligible counties in the State, with each eligible county receiving the amount calculated for that county in Section 101(a).

(2) EXPENDITURE PURPOSES.—Subject to subsection (e), payments received by eligible States under subsection (a) and distributed to eligible counties shall be expended in the same manner in which 25-percent payments are required to be expended.

(e) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of Agriculture, without further appropriation, and shall remain available until expended in accordance with title II.

(3) ELECTION.—

(A) GENERAL.—An eligible county shall notify the Secretary of Agriculture of its election under this subsection not later than September 30 of each fiscal year. If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent of the funds to be received under subsection (c) in the same manner in which the 25-percent payments are required to be expended, and remitted the balance to the fund created by Section 302(b).

(B) COUNTIES WITH MINOR DISTRIBUTIONS.—Notwithstanding the expenditure rules in this subsection, in the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to subsection (c), the eligible county may elect to expend all such funds in accordance with subsection (d).

SEC. 103. PAYMENTS TO COUNTIES FROM BUREAU OF LAND MANAGEMENT LANDS FOR USE TO BENEFIT PUBLIC SAFETY, LAW ENFORCEMENT, EDUCATION, AND OTHER PUBLIC PURPOSES.

(a) REQUIREMENT FOR PAYMENTS TO ELIGIBLE COUNTIES.—The Secretary of the Treasury shall make to each eligible county that received a 50-percent payment during the eligibility period a payment in accordance with subsection (b) for each of fiscal year in fiscal year 2000. The payment for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

(b) PAYMENT AMOUNTS.—Except as provided in subsection (c), the payments to an eligible county for a fiscal year shall consist of the 50-percent payment applicable to that county for that fiscal year as described in section 3(7).

(c) ELECTION TO RECEIVE FULL PAYMENT AMOUNT.—

(1) An eligible county may elect to receive the full payment amount, as described in sections 101(a)(2) and 101(b) in lieu of the payment described in subsection (b). The election shall be made at the discretion of the county. Once the election is made, it shall be effective for the fiscal year in which the election is made and all subsequent fiscal years.

(2) The payment to an eligible county under this subsection for a fiscal year shall be derived first from any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, or special accounts, received by the Federal Government from activities by the Bureau of Land Management on the Federal Lands described in subsection 3(1)(B) and/or secondly, as determined by the Secretary of the Treasury, from any funds in the Treasury not otherwise appropriated.

(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (d)—

(A) Not less than 80 percent but not more than 85 percent of the funds distributed to the eligible county shall be expended in the same manner in which the 50-percent payments are required to be expended; and

(B) At the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall either be reserved for projects in accordance with title II, or remitted to the fund created by section 302(b).

(2) DEPOSIT OF FUNDS IN SPECIAL ACCOUNT.—Funds reserved by an eligible county under paragraph (1) shall be deposited in a special account in the Treasury of the United States and shall be available for expenditure by the Secretary of the Interior, without further appropriation, and shall remain available until expended in accordance with title II.

(3) ELECTION.—An eligible county shall notify the Secretary of the Interior of its election under this subsection not later than September 30 of each fiscal year under subsection (d). If the eligible county fails to make an election by that date, the county is deemed to have elected to expend 85 percent on the funds received under subsection (c) in the same manner in which the 50-percent payments are required to be expended and remitted the balance to the fund created by section 302(b).

TITLE II—SPECIAL PROJECTS ON FEDERAL LANDS

SEC. 201. DEFINITIONS.

In this title:

(1) PARTICIPATING COUNTY.—The term ''participating county'' means an eligible county that—

(A) receives Federal funds pursuant to section 102 or 103; and

(B) elects under sections 102(e)(3) or 103(d)(3) to expend a portion of those funds in accordance with sections 102(e)(1)(B) or 103(d)(3).

(2) PROJECT FUNDS.—The term ''project funds'' means all funds an eligible county elects under sections 102(e)(3) and 103(d)(3) to reserve for expenditure under sections 102(e)(1)(B) or 103(d)(2) for expenditure in accordance with this title.

(3) RESOURCE ADVISORY COMMITTEE.—The term ''resource advisory committee'' means an advisory committee established by the Secretary concerned under section 205, or determined by the Secretary concerned to meet the requirements of section 205.

(4) RESOURCE MANAGEMENT PLAN.—The term ''resource management plan'' means a land use plan prepared by the Bureau of Land Management for units of the Federal lands described in section 3(1)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712) and a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1604).

(5) SECRETARY CONCERNED.—The term ''Secretary concerned'' means the Secretary of the Interior or his designee with respect to the Federal lands described in section 3(1)(B) and the Secretary of Agriculture or his designee with respect to the Federal lands described in section 3(1)(A).

SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

Project funds shall be expended solely on projects that meet the requirements of this title. Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this title on public or private land or both that benefit these resources within the watershed.

SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2001, and each September 30 thereafter for each succeeding fiscal year, each resource advisory committee established under section 205 shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved.

(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, from the private sector, or funds held by the Secretary concerned pursuant to section 302(b), other than project funds and funds appropriated and otherwise available to do similar work.

(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

(1) The purpose of the project and a description of how the project will meet the purposes of this Act.

(2) The anticipated duration of the project.

(3) The anticipated cost of the project.

(4) The proposed source of funding for the project, whether project funds or other funds.

(5) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives, as well as an estimation of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

(6) A detailed monitoring plan, including funding needs and sources, that tracks project effectiveness, implementation, and provides for validation monitoring. The monitoring plan shall include an assessment of the following: whether or not the project created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate; and whether the project improved the use of, or added value to, any products removed from lands consistent with the purposes of this Act.

(7) An assessment that the project is to be in the public interest.

(c) AUTHORIZED PROJECTS.—

(1) IN GENERAL.—Projects proposed under subsection (a) shall be consistent with section 2(b).

(2) SEARCH, RESCUE, AND EMERGENCY SERVICES.—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county or sheriff's department receive reimbursement for search and rescue and other emergency services performed on Federal lands and paid for by the county. The source of funding for an approved project of this type must be the fund created by section 302(b).

(3) COMMUNITY SERVICE WORK CAMPS.—Notwithstanding paragraph (1), a resource advisory committee may submit as a proposed project under subsection (a) a proposal that the participating county receive reimbursement for all or part of the costs incurred by the county to pay the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on Federal lands.

SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

(1) The project complies with all applicable Federal laws and regulations.

(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of such section.

(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

(b) ENVIRONMENTAL REVIEWS.—

(1) PAYMENT OF REVIEW COSTS.—

(A) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to

pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project. When such a payment is requested and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal law and regulations.

(B) EFFECT OF REFUSAL TO PAY.—If a resource advisory committee does not agree to the expenditure of funds under subparagraph (A), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title. Such a withdrawal shall be deemed to be a rejection of the project for purposes of section 207(c).

(c) DECISIONS OF SECRETARY CONCERNED.—

(1) REJECTION OF PROJECTS.—A decision by the Secretary concerned to reject a proposed project shall be at the Secretary's sole discretion. Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review. Within 30 days after making the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if such notice would be required had the project originated with the Secretary.

(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 204, it shall be deemed a Federal action for all purposes.

(e) IMPLEMENTATION OF APPROVED PROJECTS.—

(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

(2) BEST VALUE CONTRACTING.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis. The Secretary concerned shall determine best value based on such factors as:

(A) The technical demands and complexity of the work to be done.

(B) The ecological objectives of the project and the sensitivity of the resources being treated.

(C) The past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions.

(D) The commitment of the contractor to hiring highly qualified workers and local residents.

(3) MERCHANTABLE MATERIALS SALES CONTRACTING PILOT PROJECTS.—Until September 30, 2004, for a portion of the contracts issued under this paragraph, the Secretary concerned shall provide for the disposal of the forest products under a separate contract. Within one year of the completion of the contracts authorized under this paragraph, the Secretary shall report to the Committee on Energy and Natural Resources of the United States Senate and the Committee of Resources of the United States House of Representatives on the environmental and fiscal results of these projects.

SEC. 205. RESOURCE ADVISORY COMMITTEES.

(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain a resource advisory committee to perform the duties in subsection (b), except as provided in paragraphs (3) and (4).

(2) PURPOSE.—The purpose of a resource advisory committee shall be to improve collaborative relationships and to provide advice and recommendations to the land management agencies consistent with the purposes of this Act.

(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or one or more, units of Federal lands.

(4) EXISTING ADVISORY COMMITTEES.—Existing advisory committees meeting the requirements of this section may be deemed by the Secretary concerned, as a resource advisory committee for the purposes of the title. The Secretary of the Interior may deem a resource advisory committee meeting the requirements of part 1780, subpart 1784 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

(b) DUTIES.—A resource advisory committee shall—

(1) review projects proposed by participating counties and other persons;

(2) propose projects and funding to the Secretary concerned under section 203;

(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act; and

(4) provide frequent opportunities for citizens, organizations, Tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development processs.

(c) APPOINTMENT BY THE SECRETARY.—

(1) APPOINTMENT AND TERM.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 3 years beginning on the date of appointment. The Secretary concerned may reappoint members to subsequent 3-year terms.

(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

(3) INITIAL APPOINTMENT.—The Secretary concerned shall make initial appointments to the resource advisory committees not later than 180 days after the date of the enactment of this Act.

(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

(d) COMPOSITION OF ADVISORY COMMITTEE.—

(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following categories:

(A) 5 persons who—

(i) represent organized labor;

(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

(iii) represent energy and mineral development interests;

(iv) represent the commercial timber industry; or

(v) hold Federal grazing permits, or other land use permits within the area for which the committee is organized.

(B) 5 persons representing—

(i) nationally recognized environmental organizations;

(ii) regionally or locally recognized environmental organizations;

(iii) dispersed recreational activities;

(iv) archeological and historical interests; or

(v) nationally or regionally recognized wild horse and burro interest groups.

(C) 5 persons who—

(i) hold state elected office or their designee;

(ii) hold county or local elected office;

(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

(iv) are school officials or teachers; or

(v) represent the affected public at large.

(3) BALANCED REPRESENTATION.—In appointing committee members from the three categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has geographic jurisdiction.

(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

(e) APPROVAL PROCEDURES.—

(1) Subject to paragraph (2), each resource advisory committee shall establish procedures for defining a quorum and proposing projects to the Secretary concerned. A quorum must be present to constitute an official meeting of the committee.

(2) A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a) if it has been approved by a majority of members of the committee from each of the three categories in subsection (c)(2).

(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least one week in advance in a local newspaper of record and shall be open to the public.

(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

SEC. 206. USE OF PROJECT FUNDS.

(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

(A) The schedule for completing the project.

(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

(C) For a multi-year project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the Secretary's sole discretion, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

(b) TRANSFER OF PROJECT FUNDS.—

(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using projects funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest Systems lands or BLM District an amount of project funds equal to—

(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

(B) in the case of a multi-year project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System lands or BLM District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

(3) SUBSEQUENT TRANSFERS FOR MULTI-YEAR PROJECTS.—For the second and subsequent fiscal years of a multi-year project to be funded in whole or in part using project funds, the unit of National Forest System lands or BLM District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a). The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent years fiscal years are not available.

SEC. 207. AVAILABILITY OF PROJECT FUNDS.

(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By the end of each fiscal year, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—

(1) If a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

(2) Any funds not used because a county fails to elect under section 102(e)(3) or section 103(d)(3) to expend monies for local projects shall be remitted to the fund created by section 302(b).

(c) EFFECT OF REJECTION OF PROJECTS.—Any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

(d) EFFECT OF COURT ORDERS.—If an approved project is enjoined or prohibited by a Federal court under this Act, the Secretary concerned shall use unobligated project funds related to that project in the participating county or counties that reserved the funds. The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under section 102(e)(1)(B) or 103(d)(1)(B), whichever applies to the funds involved.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

There are hereby authorized to be appropriated such sums as are necessary to carry out this Act for fiscal years 2001 through 2007.

SEC. 302. TREATMENT OF FUNDS AND REVENUES.

(a) Funds appropriated pursuant to the authorization of appropriations in section 301 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

(b) Any and all revenues generated from projects pursuant to title II, any funds remitted by counties pursuant to section 102(e)(1)(B) or section 103(d)(1)(B), and any interest accrued from any such funds shall be deposited and retained without further appropriation in a national fund and available to the Secretary concerned to fund projects authorized pursuant to section 203. The Secretary concerned shall prioritize expenditures from this fund and shall identify, in an annual report to the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives, all projects receiving funds pursuant to this subsection.

SEC. 303. REGULATIONS.

The Secretaries concerned may jointly issue regulations to carry out the purposes of this Act.

SEC. 304. CONFORMING AMENDMENTS.

Section 13982 of the Omnibus Budget Reconciliation Act of 1993 (116 U.S.C. 500 note) is repealed. Sections 13982 and 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note) is repealed.

Mr. CRAIG. Mr. President, S. 1608, the Secure Rural Schools and Community Self-Determination Act of 1999, solves a severe crisis in America's rural, forest counties driven by the precipitous decline in federal timber receipts over the last decade. The bill provides vital payments to schools and counties, while providing option to direct a portion of the payments to the development of local projects to address the needs of our families and forests.

S. 1608 provides equity and increased educational opportunities for rural school children. States that are dominated by federally owned lands are facing a dual economic and educational crisis.

Our nation contains almost 800 forest counties; 2,000 forest school districts; 600,000 rural families, and more than 4 million school children who depend upon rural public schools for their education. These children deserve the same educational opportunities as their counterparts in urban areas.

Mosr urban areas across America witnessed unprecedented prosperity throughout the 1990s. However, in our rural forest counties, the decade has been a one-way slide toward poverty, unemployment, and a lower standard of living for communities, families and children.

And it is our children who have borne the brunt of the harm. Rural children have been faced with:

School closings; school days and weeks shortened; class sizes increased due to teacher layoffs; classroom aides eliminated; counseling, nursing, and psychological services cut or eliminated; music, art, athletic, and academic enrichment programs eliminated; and student transportation services and winter road maintenance scaled back or eliminated.

The bill's guaranteed payments will provide critical resources for our children. It will allow our teachers to once again provide them with a quality education.

In crafting S. 1608, Senator WYDEN and I were assisted by local community representatives who work, live, and represent thousands of rural citizens. The bill is supported by a unique coalition of more than 1000 organizations across 50 states including county officials, educators, teachers unions, labor unions, and local businesses. This bill is truly a community-based solution to a national crisis. It is very, very rare indeed, to bring a bill to the Senate floor that enjoys the breadth of support represented by the groups in favor of S. 1608.

S. 1608 also provides funds to invest in collaborative improvement projects to address high priority forest management needs such as: infrastructure improvement, fuel and fire reduction, ecosystem restoration, stewardship projects and watershed protection and restoration. In addition, these cooperative county projects will contribute to local community economic self-sufficiency and family social stability. As reported, S. 1608 is a win-win solution for all of rural America; our school children, our educators, our working families, our counties, and our forestlands.

Mr. WYDEN. Mr. President, many folks in rural Oregon and other parts of rural America believe the Federal Government has abandoned them. They think Washington, D.C. has reneged on a decades-long commitment to support their schools and roads with revenue from timber harvested on Federal lands. People in timber-dependent rural America think they are being left behind to live in economic sacrifice zones.

Policy changes in Washington, DC., affecting logging on national forest across this country have caused timber receipts to fall an average of 70 percent over the last 15 years, and by as much as 90 percent in some areas. As timber receipts disappeared, roads fell deeper into disrepair, school programs were cut to the bone, and some schools even had to close their doors at least 1 day a week. Our fellow citizens who live in rural America should not be just an afterthought in our warp-speed world. The legislation before us, the Secure Rural Schools and Community Self-Determination Act, will renew the compact with timber-dependent communities without compromising our commitment to environmentally sound stewardship of our forests. It will give people in rural counties the financial predictability they need to step into the 21st century.

Since 1908, people in rural counties across this country have lived by a compact with the Federal Government. As compensation for paying no property taxes, the Federal Government would give the counties a quarter of the timber revenue. For decades, this arrangement provide adequate funds to sustain schools, roads and other basic county services, like emergency rescue. But when timber harvests began to drop off and timber jobs were lost, little effort was made to help offset the shortfall, and citizens in rural counties felt betrayed by the government in Washington, DC. We are not talking

about a few isolated communities in remote areas of America. Timber-dependent communities are found in 709 counties in 42 states. Some 800,000 school children and millions of people live in these counties. Thirty-one of 36 counties in my State of Oregon receive timber payments. Counties in the western part of Oregon have been able to survive because of Spotted Owl safety net payments, but no such safety net exists for those in eastern Oregon. There, Grant County, has lost 90 percent of its timber receipts, from more than $12 million down to $1 million, and the county has turned to such cost-cutting measures as a 4-day school week.

Under this legislation, Oregon counties will get a total of $261 million a year—an increase of $115 million, or 79 percent. Of the $261 million, $222 million would be available for schools and roads and $39 million will remain for the counties either to invest in their backyard national forests or in forest-related county services.

The purpose of S. 1608 is to help rural communities adapt to changing national forest management policies by creating a funding formula alternative to timber receipts. The legislation will ensure that the future relationship between the people living in the 709 affected rural counties and the Federal Government does not depend on how many trees are cut. Rural communities will be connected to Federal lands through stewardship projects, maintenance of existing forest infrastructure, ecosystem restoration and improvement of land and water quality. Counties will choose how to spend the Federal payment, and projects will be developed by broad-based groups of local citizens. Collaboration with Federal land managers will help ensure projects comply with all existing environmental laws and regulations. The legislation would restore stability to the 25 percent payments compact by ensuring a predictable payment level to forest communities for six years. The amount going toward schools and roads would represent 80–85 percent of the three-year average of the highest payment years from 1985 to the present. Unlike today's system, a county will receive its payment from the general Treasury, regardless of whether a single tree is cut from national forests.

Counties will decide for themselves how to invest the remaining 15-to-20 percent of the average amount described above for projects recommended by local community advisory committees if those projects are approved by the appropriate Federal land management agency. Although locally-conceived, every project must comply with all environmental laws and regulations, as well as all applicable forest plans. Counties might also opt to pursue projects related to the forest—rather than in the forest—through Title III. These projects might include fire prevention, the purchase of easements or forest-related after-school programs. In addition, each project must—and I quote from the bill here—''improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality'' on the national forests.

County choice is critical to the bill. Counties that opt not to join the program—such as those anticipating higher timber receipts in the immediate future—will continue to receive payments based on the existing formula, and they also have the option of joining the program two years down the road. Counties that opt to join the program will get stable payments based on a new formula.

There is no doubt about it. This legislation will change the traditional dynamic between logging and Federal payments to schools and counties. But altering the link between timber harvest and county payments does not mean we seek to sever the ties between people and land. S. 1608 will strengthen the bond between communities and neighboring Federal forests. The projects that would be authorized by S. 1608 are a way for the Federal government to recognize—without relaxing or compromising our environmental commitments—that timber towns grow not just trees, but people, too.

When this debate began, the issues were highly polarized. On the one side were those who would punish the Forest Service for not cutting enough trees; on the other were those who, unintentionally, would punish our rural communities and school children by not providing them the funding they so desperately need. After listening to both sides and after many long discussions, Senator CRAIG and I rejected the extremes and sought out a middle path that would break the gridlock. The legislation we bring to the Senate will establish a foundation to move rural communities beyond this time of crisis, and, with the forest ecosystem restoration projects, put them on a path toward sustainability in this new century.

One of my goals for this legislation was to assure the counties have as much choice as possible, and I believe this goal has been met. As I said earlier, first, counties can choose whether they would like to be part of this program and receive a stable payment. If they choose not to be part of the program, they may revisit this decision every 2 years. Second, a county that chooses to be part of the program and receive stable payments must decide the type of projects they want to invest in: projects in the forest, like stream and watershed restoration; or projects related to the forests, such as wildfire prevention or afterschool programs for their children. Also, a county can opt simply to have the money sent back to the U.S. Treasury without pursuing projects. Finally, these choices may be revisited every year.

The ecological health of the forests is a key to survival for many of these communities, making forest restoration a cornerstone of the bill. Counties have choices as to how and how much they receive so they are able to determine the best allocation of funds: whether to support forest health, job creation, ecosystem restoration or a combination of these. Whatever the choice, it is an investment in both the future of the forest and the community. This legislation is the product of many months of painstaking work. Since the beginning, it has been a bipartisan effort. The Energy and Natural Resources Committee reported the legislation by voice vote last April, and through negotiations with many other interested Senators, we have a managers' amendment that represents a further refinement of the bill.

I particularly want to thank Senators CRAIG and BINGAMAN, the Chair and ranking member of the Energy Committee. Without their dedication and willingness to put long hours into this effort, we would not have such a solid piece of legislation. I would also like to make special note of the help of Senator BAUCUS in crafting Title III and bringing a strong focus on wildfire prevention. I would also like to acknowledge the work of the staff on S. 1608. In particular, Jose Kardon, my chief of staff, and Sarah Bittleman, my Natural Resources counsel, have done yeoman's work on this legislation. Carole Grunberg, my legislative director, and Jeff Gagne, my Education advisor, also contributed to the effort. Special thanks also goes to Mark Rey of the Energy Committee staff, whose steady hand and creativity helped resolve so many problems successfully; to Bob Simon and Kira Finkler, of the Energy Committee Democratic staff; and to Brian Kuehl with Senator BAUCUS and Sara Barth with Senator BOXER.

S. 1608 is supported by thousands of groups, hundreds of counties, labor organizations and school groups including the National Education Association, National Association of Counties, the American Federation of State, County and Municipal Employees, as well as the AFL–CIO.

I urge my colleagues to support this legislation.

AMENDMENT NO. 4139

Mr. CRAIG. Mr. President, there is a substitute 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 Idaho [Mr. CRAIG], for himself and Mr. WYDEN, proposes an amendment numbered 4139.

Mr. CRAIG. I ask unanimous consent that reading of the amendment be dispensed with.

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

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

Mr. CRAIG. Mr. President, in conjunction with the administration, and

the members of the Budget Committee, we have made a series of technical changes to S. 1608 as it was reported by the committee. These changes are designed to: (1) respond to the concerns of some members with the bill as reported; (2) address some additional issues raised by the Administration; (3) rectify technical problems with the bill; as well as (4) bring the bill's costs in line with the amount provided in fiscal year 2001 budget resolution. Let me briefly describe the most important changes for the benefit of the Senate. We have modified the formula used to calculate the ''full payment amount'' to which states are entitled from the Forest Service under this bill. Rather than having this payment calculated on the average of the three highest 25 percent payments for each eligible county within each state, the calculations will be based upon the average of the three highest 25 percent payments for each state during the fiscal years of the eligible years period. We also reduced the annual adjustment for inflation. These changes will reduce the cost of the bill as estimated by the Congressional Budget Office from $1.46 billion over a 5-year period to around $1.1 billion over the same period.

In section 102(a) and section 103(a), we clarify that the duration of the bill will be fiscal year 2001 through fiscal year 2006. It is the manager's intent that this bill be sunsetted after six years. This language, and new language in section 209 and section 303 added by the manager's amendment emphasizes this for the purpose of clarity. We made a minor change to clarify that eligible counties that receive less than $100,000 in payments for fiscal year 2001 may elect to expend all of this money for schools and roads, whether or not the payment increases slightly in out-years as a result of the inflation adjustment. This change will assist counties with small revenue distributions.

In section 202, we clarify that projects funded under this bill can be conducted on public or private lands as long as there is a benefit to federally managed resources. The committee bill was not sufficiently precise in this regard. In section 203(b)(6), we added language to more fully describe the kind of monitoring plans that we would like to see associated with projects approved under the bill. In section 204(e)(3), we elected to put some quantitative targets on the pilot projects that the bill authorizes for merchantable materials, with an out-year adjustment based upon the results of a GAO audit. We are hopeful that the administration will move aggressively to implement this pilot project, and report on its progress promptly and thoroughly to Congress. In section 401, we clarified that the bill authorizes appropriations for fiscal year 2001 through 2006. This is to emphasize that this is a six-year bill.

In section 402(b), we specify that any revenues generated by projected funded by monies authorized under this bill should be returned to the Treasury, except in the single case where a project is jointly funded by both project and non-federal revenues. The portion of revenues associated with funds provided by this bill would be retained by the appropriate Secretary. The proportion of revenues associated with funds provided by non-federal sources would be shared with those sources. This change is designed to address the concern that allowing revenues generated by projects to be retained by federal agencies would create an unwelcome incentive to focus exclusively on revenue-generating projects. Our amendment addresses this concern in an equitable fashion.

With regard to the projects funded under this bill, we added language in section 204 to assure that projects will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, or restore and improve land health and water quality. We also specify that fifty percent of the project money shall be used for projects that involve road maintenance or obliteration, or the restoration of streams and watersheds. These changes are designed to encourage the development of projects that foster resource stewardship. To provide the counties that elect to participate in projects a wider range of choices, we have added a title III to the bill. Under the provisions of title III, counties may choose to invest their project money in a list of authorized uses including: (1) search, rescue, and emergency services; (2) community service work camps; (3) easement purchases from willing sellers to provide access to public lands; 94) forest related educational programs; (5) local fire prevention and fire risk reduction planning activities; and (6) community forestry projects. These projects would still be developed and recommended through the local resource advisory committees established in title II of the bill. They will function much as they do in title II, except that the projects will not require the approval of the Secretary, as would title II projects. Also, under the specific terms of section 102(d)(1)(B) and section 102(c)(1)(B) counties could split their project funds between titles II and III as they choose.

We have also added a new title V to the bill to remedy a serious problem caused by the Omnibus Budget Reconciliation Act of 1993 involving the sharing with the states of onshore mineral revenues and revenues from geothermal steam. Prior to the 1993 act the federal government and the states split these revenues on a fifty-fifty basis. The 1993 act requires that the federal government deduct its previous years expenses for administering these programs from the receipts before the fifty-fifty split is made. This requirement has proven very difficult to implement due to general sloppiness of federal accounting systems. The federal agencies and the states have become involved in numerous disputes over the federal government's calculation of its administrative expenses. In light of these problems, with the advice and the assistance of Senators DOMENICI and BINGAMAN, we propose to return to the pre-1993 system of calculating shared receipts.

Finally, we have added a conforming amendment in section 4 of the bill. This amendment specifies that payments required by this bill would be included in the calculation of the payment in lieu of taxes (PILT) payments that each state receives. This change will result in payments under this act being treated in the same fashion as other natural resource payments to the states.

I appreciate the cooperation of several of my colleagues in developing the changes that went into the manager's amendment. I particularly want to thank Senator DOMENICI and Senator BINGAMAN and their staffs for their assistance in putting together the manager's amendment. The bill is a much better product because of their contribution.

Mr. MURKOWSKI. Mr. President, I rise today to support passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill will restore the financial and resource management links between the rural communities of America and our natural resource agencies.

The precipitous drop in financial support for education and infrastructure needs of our rural counties will be restored by S. 1608.

These payments will now be steady and reliable. This bill also reverses the inward turning, and belt-way centered, thinking of resource managers by creating collaborative processes for natural resources management in our rural communities.

S. 1608 will provide rural communities and their public lands managers the opportunity to work together to improve the ecosystems by investing in the public lands.

I would like to express my appreciation for the months of work that have been put in on this bill by my fellow members of the Energy Committee: Senator CRAIG and Senator WYDEN.

Bringing this bill to the floor today is the result of countless hours of briefings, dialog and negotiation with Senator CRAIG, Senator WYDEN, their staff, the National Forest County & Schools Coalition, and all the other groups that have expended time and effort to assure that the educational needs of the kids in rural communities would not be neglected.

I would also like to express my appreciation to the Forest Service, Department of Agriculture, and others in the Administration who have been helpful in coming to the final product we see here today.

In closing I thank all those who have contributed to crafting S. 1608 for their hard work.

I urge my colleagues to vote for this bill.

And finally I look forward to the federal government reestablishing its support to the rural communities of this country so that they can maintain their school systems and provide other needed county services.

Mr. SMITH of Oregon. Mr. President, I am pleased to speak to the Senate today in strong support of S. 1608, the Secure Rural Schools and Community Self-determination Act of 2000. As an original co-sponsor of this legislation, I commend Senator CRAIG and Senator WYDEN for their leadership in crafting a bill which brings all sides of the issue together. I want to take a minute to salute Oregon's county commissioners, who kept this issue on top of their priority list, and who made frequent trips to meetings in Oregon and here in Washington, D.C. to make sure this legislation moved forward. Oregon is a remarkably diverse state, but as I have traveled throughout Oregon, I hear the same thing in each of our 36 counties—and that's the fact that passage of S. 1608 is their number one priority. I also want to thank President Clinton for his statement that he will sign this legislation when it reaches his desk.

S. 1608 re-establishes the federal government's compact with rural communities—one that dates back to the early days of settlement in the West—while providing much needed funding for environmentally sound, locally developed projects to restore the health of federal watersheds and forests. Perhaps more importantly, this bill will ensure that the federal government provides fair compensation to local governments so that they in turn will be able to meet their communities' needs for schools and roads. I want to make sure my colleagues understand why this legislation is needed, and how the counties in my State, as well as nearly 800 other rural counties in 41 other States, will suffer if we do not pass S. 1608 today.

Nearly a century ago, the ''forest reserves'', precursors of our national forests, were transferred from the Department of the Interior to the Department of Agriculture. At that time, the Congress understood that placing these forest reserves in the federal government's trust would have very negative effects on the property taxes local governments and local school systems could collect. To remedy this, Congress passed a law in 1908 to share 25 percent of the Forest Service's gross receipts with the counties to partially compensate the counties for the lost taxes. In addition, Congress designated these funds to be spent on schools and county roads. Having directed the Forest Service to pay very close attention to the needs of the local citizens and industries in the ''1905 Transfer Act,'' coupled with the passage of the ''1908 25 Percent Payment Act,'' Congress had developed a fair and workable compact with rural communities and counties. It was a compact that worked very well for nearly 90 years.

Over the last ten years, however, as federal timber sales have declined by nearly 70 percent across the nation, rural counties in many states began to see serious short-falls in their annual 25 percent payments. In Oregon, where federal timber sales have declined by an even greater margin, these shortfalls have been truly devastating for local governments.

As Federal lands have increasingly been declared ''off limits'' in recent years, rural communities have worked hard to diversify their economies. While tourism has flourished in certain pockets, to this point it has not been a substitute for the family wage jobs the timber industry once offered. Ultimately, there is only so much that local governments can do when 70 percent, 80 percent, or even more, of the land is tied up in federal holdings. The fact that local governments are no longer being adequately compensated for federal land ownership only adds to the burdens of rural communities trying to bring in new industries, provide education and health services, and bridge the digital divide. This is what we are trying to address with S. 1608.

Lane County, Oregon, for example, has seen receipts from federal lands shrink by 65 percent over the last ten years. This has created a gaping $7 million hole in the resources the County uses to provide families with basic needs, including public health and safety services, strong education systems, and safe roads and highways. If S. 1608 is not passed, Lane County faces the prospect of slashing its public works engineering staff by 50 percent, leaving roads and bridges threatened with disrepair.

Perhaps Grant County in eastern Oregon makes an even more compelling case for the passage of S. 1608. There, the local government has been forced to cut back to four day school weeks to make up for the shortfall in 25 percent payments. It is outrageous that the educational opportunities for children in rural areas of this country are being put in jeopardy by the decline of federal timber receipts.

Throughout my state and in communities in many other states with forest counties, sports and extra curricular activities have been dropped, and special programs for gifted and talented students have been sharply cut back. These communities have been forced to make heart-breaking decisions over whether to cut back social service programs or school funding, or to sharply reduce sheriffs' patrols and close jails, or to cut out all extra curricular activities at their schools. We have an opportunity today to answer the call of rural America by passing this legislation and show our support for education and rural communities. The vote we cast today is not just a vote for or against legislation, it is a vote for or against the future of rural schools, roads, and children.

Now let me turn briefly to the objections raised by some in the environmental community regarding the resource projects authorized by this bill. Apparently, the special interest groups that oppose S. 1608 over this issue would prefer that the historic relationship between the local community and the management of their neighboring federal lands be severed completely. Of course, if we were to sever the longstanding relationship between federal lands and the communities that host them, these same special interest groups would merely have to hold sway over the land management bureaucracy in Washington or the federal courts, never having to face the people most affected by their policies.

Some of these groups have gone so far as to run slick attack ads against my colleague from Oregon, Senator WYDEN, implying that the resource projects authorized by S. 1608 would open the door to clearcutting on our national forests. Colleagues, please don't be fooled by the Washington tactics being employed by the national environmental interest groups in opposition to S. 1608. This bill makes clear that these projects must be in compliance with federal environmental protection laws and that they must be formulated by a Resource Advisory Committee made up of interested stakeholders, including environmentalists.

S. 1608 is supported by the National Forest Counties and Schools Coalition, a coalition of educators, county governmental officials, private companies, and many of the unions who represent people who live, work, and teach in or near our federal forests. It is a Coalition of over 1,000 organizations that represents over 25 million people. In supporting S. 1608, I am choosing to stand with those 25 million people, to stand with thousands of rural communities in States stretching across America.

In closing, Mr. President, I ask my colleagues to put themselves in the position of a local government official from a small town in a county dominated by federal forest lands. We have many of them in my state. Towns like John Day, Oakridge, and Riddle. Perhaps you have counties with towns like these in your state. Imagine that your major resource-based industries have largely been shut down by various federal actions over the last decade. Too many of the young people are having to move away to find jobs. As a local government leader you try and build up your community and yet you find—because your community is surrounded by federal lands—that you often can't expand the land under development to bring in new industry, you often can't build roads or recreation sites to bring in more tourism, nor can you tax federal forest lands to help pay for the kind of infrastructure or human resources you need to attract high tech companies to your area. What would you do? How would you try and turn around the local economy with the federal government turning a blind eye to the economic consequences of its actions? That is what we are trying to remedy today.

Shutting down our public lands in the name of the public good comes with a price—and it should not be rural America alone that has to pay it. It is long past time the federal government lived up to its financial obligation to these rural communities. A vote for S. 1608 is a step toward that end. I thank my colleagues for joining us in this effort today.

Mr. BAUCUS. Mr. President, I rise in support of Senate bill 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. I would like to begin my comments today by drawing attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. He has not been alone in his efforts. Senator CRAIG from Idaho has been a vocal champion of this legislation. And many other senators, notably Senator BOXER of California, have offered constructive input that has greatly improved the legislation now before us.

As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes since the federal government is not required to pay state or local taxes. Montana has one of the highest percentages of federally owned land of any state. This has a very significant impact on the tax base of our counties, and they have suffered because of it. As revenues from our national forests have decreased, so too have the payments to counties. Fortunately, Senator WYDEN stepped in with a creative solution that ensures that counties have the option to receive much more steady funding. S. 1608 recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. President, I would like to say just a few comments about title III of S. 1608. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

Under this bill, each year counties may spend 15–20 percent of their funding on either title II projects or on title III projects. As originally drafted, S. 1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily ''on'' federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including fire fighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, many of which are still burning, it is abundantly clear that counties desperately need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires.

I can't impress upon you enough the catastrophic impact that this summer's fires have had upon my state. The fires have raged out of control on our federal lands, such as the fire picture here (in the Beaverhead-Deerlodge National Forest which covered nearly 85,000 acres and has not yet been contained. Cities have spent weeks under a cloud of smoke, as you can see in this photo of Helena. People, houses, and wildlife have all been threatened, and it is thanks only to the heroic efforts of our firefighters that so few lives and structures have been lost. I was honored to spend some time with these courageous individuals, and I can tell you, you have never met a more hard-working, determined crowd of folks. We owe them a heartfelt thank you, and I would like to express my personal gratitude for everything they have done.

The process of rehabilitation and clean-up has only begun, and the work we do now will be critical to ensuring the full recovery of our lands and our communities. For all of these reasons, I am very pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting and related efforts this year and in future years.

It has also become clear that we need to do more to prevent danger from fires before they start. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. Homeowners need to know that a house built in the woods, especially if trees are not cleared away from the building, as shown, will be very difficult to save from fires. If the right materials are used in construction, however, homes can be made much less vulnerable. Under title III, counties will have the funding to do this kind of education. They will also be able to fund county planning efforts to increase the protection of people and property from wildfires.

Some of you may be under the mistaken impression that the entire state of Montana was on fire this summer, but let me assure you—the fires have not destroyed the beauty and value of our public lands. Under title III, counties can use funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

This photo here is of Eric and Brittany Sharpe, children of Terry and Craig Sharpe of Helena. Eric and Brittany's dad is the head of the Montana Wildlife Federation, an organization that works non-stop to try to make sure that our children will be able to enjoy Montana's great fish and wildlife resource just as we do today.

Mr. President, let us never lose sight of the real reason we do the work we do. Let us never lose sight of the children or ever forget for even a moment that we have a moral obligation to pass this place on to them in as good a shape or better than we found it.

Finally, counties may also use funds to establish and conduct forest-related after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

I was very pleased to be able to add these important options to a bill that is critically needed to ensure the fair treatment of our rural counties. I urge my colleagues in the Senate to acknowledge the vital importance of these efforts and to give this bill, and the rural counties of America, their full support.

Mr. President, before I close, I want to take a moment to elaborate on two issues that were addressed in a colloquy between myself, Senator WYDEN and Senator BOXER.

First is the question of whether a county can choose to allocate funds to both title II and title III in the same year. As should be clear from that colloquy, the bill has been drafted so that counties may choose to send their funds to either title II or title III in any given year, but not to both.

Mr. President, I submit for the RECORD a legal memorandum from Janet A. Poling, Associate General Counsel for the U.S. Forest Service, which reaches the same conclusion about the effect of the language in S. 1608 as modified by the managers amendment. I ask unanimous consent that a copy of this legal memorandum be printed in the RECORD following this statement.

Second is the question of the role of the Resource Advisory Committees in administering funds that a county wishes to expend under title III. As should be abundantly clear from the language of S. 1608 as amended and from the colloquy between myself, Senator WYDEN and Senator BOXER, the Resource Advisory Committees are intended to have only an advisory role on projects under title III. In short, counties are to have full discretion to spend title III funds for the purposes enumerated under title III without any restrictions or limitations placed upon them by the Resource Advisory Committees.

Mr. President, a second legal memorandum from the Associate General Counsel for the U.S. Forest Service reaches this conclusion based on the plain reading of S. 1608 as modified by the managers amendment. Mr. President, I ask unanimous consent that a copy of this legal memorandum be printed in the RECORD following the first legal memorandum that I submitted for the RECORD.

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

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 12, 2000.

Informational Memorandum for Anne Keys, Deputy Under Secretary for NRE

From: Janet A. Poling, Associate General Counsel, Natural Resources.

Subject: Request for Legal Interpretation of Section 102(d)(1)(B) in the Manager's Amendment dated September 8, 2000, for S. 1608, the ''Secure Rural Schools and Community Self-Determination Act of 2000.''

Issue: This memorandum responds to your request for our legal interpretation of section 102(d)(1)(B) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether an eligible county can elect to use the balance of its funds for a combination of the listed purposes or whether an eligible county can use the funds for only one of the listed purposes.

Discussion: Section 102(d)(1)(B) of the subject manager's amendment provides:

''(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

(1) IN GENERAL.—Of the funds to be distributed to an eligible county pursuant to subsection (c)—

(A) not less than 80 percent but not more than 85 percent of the funds shall be expended in the same manner in which the 25-percent payments are required to be expended; and

(B) at the election of an eligible county, the balance of the funds not expended pursuant to subparagraph (A) shall—

(i) be reserved for projects in accordance with title II;

(ii) be spent in accordance with title III; or

(iii) be returned to the General Treasury in accordance with section 302(b).''

We interpret subparagraph (B) as allowing an eligible county to choose to use the balance of its funds for only one of the three listed purposes. The provision would not allow counties to use the funds for a combination of the purposes. For example, an eligible county could elect to reserve the funds for projects in accordance with title II or to spend the funds in accordance with title III, but could not allocate funds for both purposes.

Summary: Section 102(d)(1)(B) would allow an eligible county to choose to use the balance of its funds for only one of the three listed purposes.

U.S. DEPARTMENT OF AGRICULTURE,
OFFICE OF THE GENERAL COUNSEL,
Washington, DC, September 13, 2000.

Informational Memorandum for Anne Keys, Deputy Under Secretary for NRE,

From: Janet A. Poling, Associate General Counsel, Natural Resources.

Subject: Request for Legal Interpretation of Section 302(a) in the Manager's Amendment dated September 8, 2000, for S. 1608, the ''Secure Rural Schools and Community Self-Determination Act of 2000.''

Issue: This memorandum responds to your request for our legal interpretation of section 302(a) in the manager's amendment dated September 8, 2000, for S. 1608. You have asked whether a participating county may use county funds under the Title III on projects that have not been recommended by a resource advisory committee.

Discussion: Section 302(a) provides:

''(a) LIMITATION OF COUNTY FUND USE.—County funds shall be expended solely on projects that meet the requirements of this title and section 205 of this Act except that: the projects shall be approved by the participating county rather than the Secretary concerned.''

Section 302(b) provides for the authorized uses of ''county funds'' as that term is defined in section 301(2). Section 303 terminates the authority to initiate projects using county funds at the end of fiscal year 2006.

Section 302(a) also limits the use of county funds to projects that meet the requirements of section 205. Although the reference to section 205 is ambiguous, section 302(a) is most reasonably interpreted as requiring participating counties to submit their proposals for the use of county funds to the appropriate resource advisory committee for review in accordance with section 205(b)(1). We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county. Our interpretation is based in part on the proviso in section 302(a) that places the final decision making authority for the use of county funds with the participating county. Additionally, Title III does not contain procedures similar to those in Title II regarding projects recommended by resource advisory committees.

Summary: We see nothing in the bill that requires approval of a proposed project by a resource advisory committee as a prerequisite for the use of county funds by a participating county.

Mr. BAUCUS. Mr. President, in closing, let me thank the bill's sponsors and all of the Senators who have exerted so much effort on the behalf of our rural counties. Especially, let me thank Senators WYDEN and CRAIG who have worked so hard to answer concerns that were raised by me and by other Senators, and who should receive full credit for the passage of this fine legislation.

Mr. President, I would like to draw attention to the determined efforts of my friend and colleague from Oregon, Senator RON WYDEN, on behalf of rural counties. Senator WYDEN has worked tirelessly to ensure that counties with federal lands get a fair deal. As we all know, counties containing large amounts of public lands are not able to raise sufficient revenues from taxes since the federal government is not required to pay state or local taxes. Recognizing that this is fundamentally unfair to these counties, Congress has tried for some time to rectify this situation by providing funding from revenue generated on our public lands from payments in lieu of taxes in an effort to make the counties financially whole.

Unfortunately, as revenue from our national forests has decreased, so too have the payments to counties. This has been seriously disruptive to counties across the West. Fortunately, Senator WYDEN stepped in with a creative solution that insures that counties have the option to receive much more steady funding. The bill now before us, S. 1608, recognizes both the value of these public lands and the needs of the affected counties. It is a wise compromise which allows counties the freedom to choose the plan that best serves their needs.

Mr. WYDEN. Thank you for your very kind words, Senator BAUCUS. The compromise legislation before us would not have been achieved without the wise counsel and experience of the senior Senator from Montana, my good friend, Senator BAUCUS. He has made substantial contributions to this bill, particularly in developing title III and in championing the need for adequate funding for the prevention and fighting of wildfires, like those that have ravaged the West and his own State of Montana this summer.

Mr. BAUCUS. I thank my distinguished colleague from Oregon. Mr. President, I would like to say just a few comments about title III of S. 1608. Senators WYDEN and CRAIG agreed to include title III in this bill at my request. I felt that it was very important that counties have flexibility, not only in how their funding is determined but also in how it is spent. This is why I proposed title III of this bill, and I am very pleased that the sponsors of the bill have accepted it.

As explained by my colleague Senator WYDEN, under this bill, each year, counties may spend 15–20 percent of their funding either on title II projects or on title III projects. There has been some debate about whether counties should be able to ''mix'' funds in a given year between title II and title III. Regardless of whether it would be a better policy to allow such mixing to occur or to maintain the current separation between titles II and III, it is clear that, as drafted, S. 1608 will not allow such mixing to occur. And while this may not be a perfect solution, rarely is any legislation passed by Congress that could be characterized as ''perfect.''

Mr. WYDEN. Again, let me thank the senior Senator from Montana for his work on title III, and add that I agree with his interpretation of the separation between titles II and III. I would also express my willingness to continue to work with him to assure the effective implementation of this legislation, particularly of titles II and III.

This is just one of countless issues that we have grappled with as we have strived to make this bill as fair and responsive as possible to the needs of our rural counties. We have made giant strides in improving this legislation, and I thank all the Members who have been willing to put aside their differences and work in a bipartisan effort to make this possible.

Mr. BAUCUS. Mr. President, let me talk for a moment about the purposes of title III. As originally drafted, S. 1608 focused primarily on activities occurring on federal lands. Title III was an effort to give counties the option to focus on activities that are not necessarily ''on'' federal lands, but that clearly relate to federal lands.

First, under title III, counties may use the funds as reimbursement for search, rescue and emergency services, including firefighting performed on federal lands and paid for by the county. Mr. President, after the ravages of the recent fires in Montana, some of which are still burning, it is abundantly clear that counties desperately need this funding for both fire prevention and fire fighting. Counties that are stretching to make ends meet for basic services, such as road building and funding schools, simply can't afford to suddenly incur the massive costs associated with fighting wildfires. I am pleased that we were able to change this bill to make sure that counties in Montana and across the West could get much-needed funds for firefighting this year and in future years.

For similar reasons, I drafted title III to allow counties to use the funds to reimburse their expenses for search and rescue operations performed on federal lands and for the salaries and benefits of county employees who supervise adults or juveniles performing mandatory community service on public lands.

Second, under title III, counties may use the funds to acquire easements to provide for nonmotorized access to public lands for hunting, fishing and other recreational purposes and to acquire conservation easements. These options are very important in states like Montana where growth is gradually shutting off access to public lands and eliminating important fish and wildlife habitat. These provisions will give counties the tools to make sure that we are able to pass the West's outdoor heritage on to our children and grandchildren.

Third, counties may use funds to establish and conduct forest-related after school programs. Mr. President, the Washington Post recently reported that 20 percent of all children in America are left unattended after school. In Montana, which has one of the highest incidents of parents having to work multiple jobs just to make ends meet, this number may be even higher. What is clear is that children are less likely to get into trouble, less likely to commit acts of violence, if they are involved in after school programs. In my mind, this provision gives us a tremendous opportunity to work with our most precious asset—the youth—and to give them opportunities to learn about our forests and to gain hands-on experience in working on matters relating to our forests.

Finally, under title III, counties can use the funds for fire prevention and county planning.

These activities are vitally important. I've heard from many counties in Montana who have said that they could prevent loss of life and property if they had funding available to educate new homebuilders about where to build or not build their houses to reduce their exposure to wildfires and to make sure that emergency equipment can get to their homes. And the same thing is true with respect to the materials that homes are built out of and the manner in which homes are landscaped. Homeowners need to know that a house built in the woods should have a roof made out of tin or some other material that won't burn. Seemingly aesthetic decisions can make the difference between a home and ashes during a year like this one, and counties need funding to expand this type of awareness.

The same basic reasoning applies to county planning. Counties should have the funds available if they want to pass an ordinance requiring homeowners to clear brush away from their homes. this can help protect lives not only of homeowners, but also of the firefighters who will be called in to extinguish burning structure fires. This can allow counties to focus their emergency crews on problems that could not have been prevented. As written, this provision will also allow counties to fund other planning and zoning efforts to minimize the impact that unfettered development can have on our forests and streams. By providing local communities with the tools to address these types of problems, it is my sincere hope that this title will diminish the conflicts that occur around our public lands and will help ensure that our children and grandchildren can continue to enjoy these lands and the fish and wildlife that they support well in to the future.

Mr. WYDEN. I thank the senior Senator from Montana for his thorough explanation of the provisions he helped craft, which became title III of the bill.

Mr. BAUCUS. Mr. President, before I conclude, I just want to say a brief comment about the relationship between title III and the Resource Advisory Committees formed under title II. Unlike the projects in title II, the projects in title III are essentially local concerns. While they relate to the lands that are held in trust for the American people, the title III projects are not in any sense ''federal'' projects. Items such as county planning and zoning have always been seen as local matters and it is not the intent of this legislation to change that framework.

For that reason we have not given the Resource Advisory Committees the same role in title III as they have in title II. Under Section 204(a) of the bill, the Secretary may make a decision to approve a project only if it is submitted to the Secretary by the Resource Advisory Committee. By contrast, under title III, the counties approve the projects and the Resource Advisory Committee serves in an advisory capacity.

Mrs. BOXER. Senator WYDEN, it is my understanding, along with our colleague from Montana, that under section 302(a), counties must meet the purposes of title III and section 205. You will note that section 205 explicitly does not give the Resource Advisory Committees the power to either ''approve'' or ''disapprove'' projects. Rather, under section 205, the Resource Advisory Committees are given the power to ''review'' and ''propose'' projects. This is critical distinction. Because, while we want the Resource Advisory Committees to be involved—as indeed we want all members of the interested public involved—we do not wish for the Resource Advisory Committees to in any sense ''drive'' or ''control'' or ''limit'' the use of title III funds. These funds are set aside for the counties and the counties should use them in their best discretion.

Mr. WYDEN, would you agree that this is the intent of the bill?

Mr. WYDEN. Yes, that is the correct interpretation of the bill's language and intent. The purpose of S. 1608 is to increase both county funding and county choice. Unlike projects under title II, the role of the Resource Advisory Committees is much more limited under title III and is limited to an advisory role.

Mrs. BOXER. Because the legislation does not specify the timing for Resource Advisory Committee review of projects, is it the intent of the Senator from Oregon that the Resource Advisory Committee review projects in a timely manner?

Mr. WYDEN. That is correct. It is my intent that a Resource Advisory Committee would review projects in as expeditious a manner as possible, but that in any event, the failure of a Resource Advisory Committee to review a project in a timely manner would not under this bill be grounds for denying a county the ability to move forward with it.

Mrs. BOXER. And is it also your intent, Senator WYDEN, that projects under title III may be submitted by the Resource Advisory Committees, the public or the county itself?

Mr. WYDEN. Yes, that is correct. No one is excluded from submitting projects under this bill.

Mr. BAUCUS. Thank you, Senator WYDEN, for those responses to the questions from the Senator from California.

In closing I would like to reiterate my admiration for the valiant efforts of the senior Senator from Oregon on behalf of this bill and rural counties. He has spent countless hours working to create this legislation and to ensure

that it passes through the Senate, and should be recognized as a true hero to rural America. I urge my colleagues in the Senate to acknowledge the critical importance of this work and to give this bill, and the rural counties of America, their full support.

Mr. LOTT. Mr. President, I would like to begin my comments by commending the determined efforts of my friends from Oregon, Senator RON WYDEN, and my friend from Idaho, Senator LARRY CRAIG, on Behalf of rural counties. I would like to ask my colleague from Idaho a few questions about S. 1608. First, I am concerned about the composition of the resource advisory committees in section 205(d) of the bill. The bill identifies 3 groups of community interests that must be represented, and provides examples in each group. Is it the mangers' intent that the Secretary concerned will pick a representative from each example interest if that interest resides in the local area served by the advisory committee?

Mr. CRAIG. Yes it is our intent that the Secretary would select an individual from each example group in each of the three categories of community interests listed in section 205(d) when representatives of that group are interested in the management of the public lands overseen by a particular advisory committee.

Mr. LOTT. Let me ask a second question. Is it your view that the language of section 102(d)(1)(B) and section 102(c)(1)(B) allows the counties to divide their project funds between title II and title III projects as they choose?

Mr. CRAIG. The plain language of these sections provides such flexibility. I agree with some who have stated that would be the best policy, and the language would provide such an opportunity. I will leave it to the implementing agencies to decide how to best express the flexibility provided by these sections of statute.

Mr. LOTT. Thank you. Now I have a final question. Do the advisory committees function in much the same way in reviewing title II and title III projects?

Mr. CRAIG. The bill language in titles II and III provides that they will function in much the same way, with a few differences. First, they are advisory to the Secretary in title II and to the relevant county in title III. In neither case do they actually approve projects, but their recommendation is required. If there is no recommendation under title II the money will ultimately be returned to Treasury under the terms of section 209. If there is no recommendation under title III, the counties can ultimately spend the money on title III projects under the terms of section 303. It is my expectation that the authority of neither of these sections will be required. I believe that the resource advisory committees will find consensus in developing and recommending title II and title III projects with the respective Secretaries or counties as the case may be.

Mr. LOTT. I thank the Senator for these clarifications, and hope that the affected agencies will implement this law accordingly.

Mr. DASCHLE. Mr. President, today the Senate is passing S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000. This legislation will provide counties dependent upon the federal timber program with critically-needed funding to support education, road-building and other county programs.

I want to commend Senator WYDEN in particular for his leadership and hard work on this legislation. He tirelessly engaged in months of discussions with our Republican counterparts, the administration and fellow Democrats to develop a bipartisan, compromise piece of legislation that will provide stability to timber-dependent counties for years to come.

Since early in the last century, counties with significant federal land-holdings have received 25 percent of the revenue earned from timber sales on those lands. Since federal lands cannot be taxed, these funds provide counties with a critical source of revenue to maintain schools and roads.

Over the past decade, it has become clear that counties can no longer depend upon these funds. In many areas, the timber program has declined or ceased altogether, reducing revenue that counties depend up to make ends meet. As a result, many counties have had to cut educational programs for children significantly. While counties in the Black Hills of South Dakota continue to receive adequate funding under existing laws, recent challenges to the timber program in South Dakota and elsewhere have made it clear that we must have a safety net for all timber-dependent counties.

No child's education should be dependent upon the federal timber program. S. 1608 severs that link by providing counties with the option of choosing a set payment based upon timber revenues they received in the past or continuing with the current formula. This choice will provide counties with the continuity and funding they need to provide a quality education for children in their schools.

I'd like to take a few minutes to highlight some important provisions of this bill. Like any product of compromise, it is not perfect, and there are sections that I would like to see changed. Nonetheless, we cannot continue to sacrifice the education of schoolchildren while we debate this bill. We need to move forward.

First, 85 percent of the funds made available by this bill go directly to counties to fund roads and schools. These funds are generally equivalent, or greater to, the amount of funding that counties receive today. Additionally, it gives counties a choice of how to spend the remaining 15 percent. Remaining funds can either be used by counties to fund projects on federal lands, as described in Title II, or to fund county projects described in Title III such as search and rescue programs. If neither of these two options is chosen, the fund are returned to the Treasury.

While I am pleased that counties will have a choice of how to use the remaining 15 percent of funds, I have some reservations about the requirements on the use of Title III funds. Given the fact that these funds are used for programs normally carried out by counties, such as education and search and rescue operations, it would be preferable to leave these responsibilities in the hands of county commissioners who are elected to make these decisions. Therefore, if this issue is considered in the future, I hope that we can take another look at the process for approving Title III projects.

Once again, I'd like to commend Senator WYDEN, Senator CRAIG, Senator BAUCUS, Senator BINGAMAN, Senator BOXER and Senator TORRICELLI for their thoughtful consideration of this legislation.

Mr. LOTT. Mr. President, today marks the passage of S. 1608, the Secure Rural Schools and Community Self-Determination Act of 2000.

This bill is a promising example of bipartisanship and what can be accomplished when members of this body work together. Senator WYDEN and Senator CRAIG have worked furiously over the past year to put together a bill that gives relief to communities in economic stress due to changes in management on our Federal lands. Our national forests need the involvement of Federal, State, and local interests to restore ecosystems, provide stewardship opportunities and maintain forest infrastructure. This bill attempts to bring people together to solve land management issues, working to create healthy forests and healthy communities.

S. 1608 will create resource advisory committees with representatives from across the spectrum, to develop stewardship projects on their surrounding Federal lands. These projects, after approval from the Secretary, will create jobs for local people, and healthy forests for all.

As we watch our forests go up in smoke all over the west, and parts of the south, we are reminded how important healthy forests are to all of us. S. 1608 provides resources for healthy communities and forests.

By providing the mechanism, and the stable payments for counties to fund their local infrastructure, roads will be maintained, fire departments will be staffed and prepared, and rural communities will once again feel secure in knowing their families will be protected, because their community infrastructure is in place and has a stable source of funding.

S. 1608, the Secure Rural Schools and community Self Determination Act is a critical step toward guaranteeing

adequate educational funding for forest communities, while ensuring a stable, consistent source of general treasury funding for ecosystem restoration, forest infrastructure maintenance and stewardship projects on our national forest land. Parents will see a substantial increase in the amount of money directed toward education in public schools. We have counties in this country who have been forced to reduce the school week to 4 days, eliminate after-school activities like band and athletics, because of a lack of money to fund the schools. S. 1608 works to remedy this problem by sending more money to these counties for the education of their children. In my home state of Mississippi, the timber industry is the lifeblood of many of these small counties.

We hear people say everyday that our children are our future. I will say it again today—our children are our future, and S. 1608 secures the education of our children in many of the communities in desperate need of help.

I care deeply about the health of this country's communities, schools, and forests, and therefore, I commend the valiant efforts of Senator CRAIG and Senator WYDEN for their work on S. 1608. I yield the floor.

Mr. CRAIG. Mr. President, I ask unanimous consent the amendment be agreed to, the committee substitute amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, the amendment to the title be agreed to, and that any statements related to the bill be printed in the RECORD as if read.

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

The amendment (No. 4139) was agreed to.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The bill (S. 1608), as amended, was read the third time and passed.

(The bill will be printed in a future edition of the RECORD.)

The title was amended so as to read: ''A bill to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands.''

The PRESIDING OFFICER. The distinguished Senator from Oregon.

Mr. WYDEN. Mr. President, I will be very brief. I thank my colleagues, particularly Chairman CRAIG, Senator GORDON SMITH, who was so extraordinarily helpful, Senator BINGAMAN, Senator BAUCUS, Senator BOXER, and many of our colleagues who put in a great many hours on this legislation.

Frankly, 18 months ago, they said it could not be done. This legislation 18 months ago was an ideological magnet for those who wanted to debate natural resources policy. Senator CRAIG and I said this legislation, which funds basic services in rural America for schools, roads, and other essential services, was beyond that kind of discussion. It was too important to try to settle all of the divisive issues about natural resources on this legislation.

I am very pleased this bipartisan legislation has been passed because this legislation sends a strong message that it is not right for Federal policies to turn rural communities into economic sacrifice zones. I believe this reinvents the relationship between local communities and the Federal lands that are so important to them. It will ensure that we can provide for the economic livelihood of folks in rural communities, but also it ensures that in the future we are going to focus on watershed restoration and conservation easements and a wide variety of measures that are going to protect ecosystems.

I thank my colleague who is on the floor, Chairman CRAIG. As I said, 18 months ago no one would have thought that we could be here tonight with this extraordinarily important legislation for rural America.

I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Idaho.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed for no more than 1 minute. I want to respond to my colleague.

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

Mr. CRAIG. Mr. President, I will briefly respond to my colleague from Oregon in relation to the legislation about which he has just spoken. I certainly agree with him. He and I, working together—I as chairman of the Forestry Subcommittee, he as the ranking member—saw and recognized a crisis in the rural communities of America that were once named timber dependent because they had derived a share of their revenue to fund their schools, roads, and bridge funds from the revenue of timber receipts which have faded dramatically. We began to work together on a resolution of the problem, and tonight we have brought that to the floor.

I certainly agree with Senator WYDEN. It was contentious at times, but we saw the need to respond to what literally had become a national crisis in rural resource-dependent communities across our country.

Well over 4,000 school districts and nearly 50,000 children were victimized by actions or policies that failed to recognize that we had to adjust law and/or change policy or we were simply going to find these school districts beyond their capacities not only to fund but to educate. It was also true with counties' roads and bridge funds.

The legislation that has just passed the Senate tonight sets us in a direction of resolving that problem and bringing about a resolution through a collaborative process at the local level between so many stakeholders who have legitimate concerns and interests as to how the natural resources of our public lands be managed.

I am so pleased that we could work toward an end that we have arrived at tonight that is embodied in S. 1608. We still have work to do in adjusting our public policies to bring about the kind of balance we need.

As the Presiding Officer well understands, rural America, be it agricultural policy or resource policy, finds itself with very real problems today. It is going to be incumbent upon some of us in this body to try to address those problems, both in the adjustment of policy and certainly in the recognition of the necessary resources to help these communities. Tonight, in part, we will have responded to that need.

AUTHORIZATION OF DOCUMENT PRODUCTION

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of Senate Resolution No. 356 submitted earlier by Senator LOTT and Senator DASCHLE.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 356) to authorize documentary production by Select Committee on Intelligence.

There being no objection, the Senate proceeded to the immediate consideration of the resolution.

Mr. LOTT. Mr. President, the Select Committee on Intelligence has received a request from the Federal Bureau of Investigation for a certified copy of the testimony of former Director of Central Intelligence John M. Deutch during a February 22, 2000 closed committee hearing, in connection with the Bureau's pending inquiry into the alleged improper handling of classified information by Mr. Deutch.

This resolution would authorize the chairman and vice chairman of the Intelligence Committee, acting jointly, to provide the certified copy of the closed hearing transcript in response to this request, utilizing appropriate security procedures.

Mr. CRAIG. I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and a statement of explanation be printed in the RECORD.

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

The resolution (S. Res. 356) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 356

Whereas, the Federal Bureau of Investigation has requested that the Senate Select Committee on Intelligence provide it with a certified copy of the testimony of former Director of Central Intelligence John M.

Deutch during its closed February 22, 2000 hearing, in connection with a pending inquiry into the alleged improper handling of classified information by Mr. Deutch;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate can, by the administrative or judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that documents, papers, and records under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved, That the Chairman and Vice Chairman of the Senate Select Committee on Intelligence, acting jointly, are authorized to provide to the Federal Bureau of Investigation, under appropriate security procedures, a certified copy of the transcript of its closed February 22, 2000 hearing.

ADRIAN A. SPEARS JUDICIAL TRAINING CENTER

PAMELA B. GWIN HALL

KIKI DE LA GARZA UNITED STATES BORDER STATION

JAMES H. QUILLEN UNITED STATES COURTHOUSE

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed en bloc to consider the following naming bills reported by the Environment and Public Works Committee: Calendar No. 719, H.R. 1959; Calendar No. 720, H.R. 1729; Calendar No. 721, H.R. 1901; Calendar No. 722, H.R. 4608.

I further ask consent that the bills be read the third time and passed, the motions to reconsider be laid upon the table, that any statements relating to any of these bills appear in the RECORD, with the above occurring en bloc.

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

The bills (H.R. 1959, H.R. 1729, H.R. 1901, and H.R. 4608) were read the third time, and passed.

WELCOMING THE PRIME MINISTER OF INDIA

Mr. CRAIG. Mr. President, I ask unanimous consent the Senate now proceed to the immediate consideration of S. Res. 357, submitted earlier by Senator BROWNBACK and Senator WELLSTONE.

The PRESIDING OFFICER. The resolution will be stated by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 357) welcoming Prime Minister Atal Bihari Vajpayee, Prime Minister of India, upon his first official visit to the United States, and for other purposes.

There being no objection, the Senate proceeded to consider the resolution.

Mr. CRAIG. Mr. President, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and finally any statements relating to the resolution be printed in the record.

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

The resolution (S. Res. 357) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. 357

Whereas the United States and India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship and commerce and, increasingly, of kinship among our people;

Whereas the million-strong Indian-American community in the United States has enriched and enlivened the societies of both the United States and India, and this community provides a strong bond between India and the United States and is playing an important role in deepening and strengthening cooperation between India and the United States; and

Whereas the visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step in the broadening and strengthening of relations between the United States and India: Now, therefore, be it

Resolved, That the Senate hereby—

(1) welcomes the Prime Minister of India, Atal Bihari Vajpayee, upon his first official visit to the United States;

(2) pledges its commitment to the expansion of ties between the United States and India, to the mutual benefit of both countries; and

(3) recognizes that the visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step towards broadening and deepening the friendship and cooperation between the United States and India.

SEC. 2. The Secretary of the Senate shall transmit a copy of this resolution to the President with the request that he further transmit such copy to the Prime Minister of India, Atal Bihari Vajpayee.

AUTHORIZATION FOR APPOINTMENT BY THE PRESIDENT PRO TEMPORE

Mr. CRAIG. Mr. President, I ask unanimous consent the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Prime Minister of India into the House Chamber for the joint meeting on Thursday, September 14, 2000.

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

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 106–48

Mr. CRAIG. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from the following convention transmitted to the Senate on September 13, 2000, by the President of the United States: Joint Convention on the Safety of Spent Fuel and Radioactive Waste Management (Treaty Document No. 106–48); I further ask that the convention be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The message of the President is as follows:

To the Senate of the United States:

I transmit herewith, for Senate advice and consent to ratification, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management, done at Vienna on September 5, 1997. Also transmitted for the information of the Senate is the report of the Department of State concerning the Convention.

This Convention was adopted by a Diplomatic Conference convened by the International Atomic Energy Agency (IAEA) in September 1997 and was opened for signature in Vienna on September 5, 1997, during the IAEA General Conference, on which date Secretary of Energy Federico Peña signed the Convention for the United States.

The Convention is an important part of the effort to raise the level of nuclear safety around the world. It is companion to and structured similarly to the Convention on Nuclear Safety (CNS), to which the Senate gave its advice and consent on March 25, 1999, and which entered into force for the United States on July 10, 1999. The Convention establishes a series of broad commitments with respect to the safe management of spent fuel and radioactive waste. The Convention does not delineate detailed mandatory standards the Parties must meet, but instead Parties are to take appropriate steps to bring their activities into compliance with the general obligations of the Convention.

The Convention includes safety requirements for spent fuel management when the spent fuel results from the operation of civilian nuclear reactors and radioactive waste management for wastes resulting from civilian applications.

The Convention does not apply to a Party's military radioactive waste or spent nuclear fuel unless the Party declares it as spent nuclear fuel or radioactive waste for the purposes of the Convention, or if and when such waste material is permanently transferred to

and managed within exclusively civilian programs. The Convention contains provisions to ensure that national security is not compromised and that Parties have absolute discretion as to what information is reported on material from military sources.

The United States has initiated many steps to improve nuclear safety worldwide in accordance with its longstanding policy to make safety an absolute priority in the use of nuclear energy, and has supported the effort to develop both the CNS and this Convention. The Convention should encourage countries to improve the management of spent fuel and radioactive waste domestically and thus result in an increase in nuclear safety worldwide.

Consultations were held with representatives from States and the nuclear industry. There are no significant new burdens or unfunded mandates for the State or industry that should result from the Convention. Costs for implementation of the proposed Convention will be absorbed within the existing budgets of affected agencies.

I urge the Senate to act expeditiously in giving its advice and consent to ratification.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *September 13, 2000*.

ORDERS FOR THURSDAY, SEPTEMBER 14, 2000

Mr. CRAIG. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until the hour of 11 a.m. on Thursday, September 14. I further ask unanimous consent that on Thursday, immediately following the prayer, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, and the Senate then resume consideration of H.R. 4444, the PNTR China legislation as under the previous order.

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

Mr. CRAIG. I further ask unanimous consent the two leaders have an extra 10 minutes each for purposes of morning business during tomorrow's session.

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

PROGRAM

Mr. CRAIG. For the information of all Senators, at 11 a.m. tomorrow the Senate will resume consideration of the China PNTR legislation. Under the order, there are 10 amendments remaining for debate and up to 6 hours of general debate remaining on the bill. Those Senators with amendments in order are encouraged to work with the bill managers on a time to debate those amendments. Senators should be aware that votes will occur throughout the day.

As a reminder, Senators should be in the Senate Chamber by 9:30 a.m. tomorrow to proceed as a body to the Hall of the House of Representatives at 9:40 to hear an address by the Indian Prime Minister.

ORDER FOR ADJOURNMENT

Mr. CRAIG. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent the Senate stand adjourned under the previous order, following the remarks of up to 10 minutes of Senator GRASSLEY and up to 60 minutes of Senator JACK REED on the subject of China.

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

MEASURE READ THE FIRST TIME—H.R. 2090

Mr. CRAIG. Mr. President, I understand H.R. 2090 is at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 2090) to direct the Secretary of Commerce to contract with the National Academy of Sciences to establish the Coordinated Oceanographic Program Advisory Panel to report to the Congress on the feasibility and social value of a coordinated oceanographic program.

Mr. CRAIG. Mr. President, I now ask for its second reading and object to my own request.

The PRESIDING OFFICER. Objection is heard.

TECHNICAL CORRECTIONS TO S. 1374

Mr. CRAIG. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 394, which is at the desk.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 394) directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. CRAIG. 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 concurrent resolution (H. Con. Res. 394) was agreed to.

The PRESIDING OFFICER. The distinguished Senator from Iowa is recognized.

MARKETING OF VIOLENT FILMS AND VIDEOS

Mr. GRASSLEY. Mr. President, today the Commerce Committee had an oversight hearing on violence marketed to children by the entertainment industry. This oversight is long overdue. I congratulate Senator MCCAIN for holding such a hearing.

The purpose of the hearing was to look at the FTC study that just came out that charged the entertainment industry with marketing of violent films and videos to children.

The bottom line is that as we have heard President Clinton and Vice President Gore respond to the FTC rulings, there is an inconsistency in their responses and how they have generally interacted with Hollywood over the last 8 years.

I establish as a basis for my remarks some quotes from the various newspapers of the recent month and a half. For instance, on September 12, the Washington Post, commenting on this, said:

In separate time zones, but with one message, President Clinton and Vice President Gore delivered a joint threat to the entertainment industry today that harsh regulation could come if the makers of explicit and violent movies, recordings and video games do not stop advertisement at children.

I continue to read from the same story in the Washington Post. Later on it says:

But Gore has not always appeared consistent on this issue. In 1987, as he was gearing up for his first presidential campaign, Gore and his wife held a meeting with rock music executives in which Gore apologized for his role in a 1985 Senate Commerce Committee hearing on rock music lyrics. A tape of the meeting was obtained by Daily Variety. Tipper Gore, who had testified at the hearing on behalf of the Parents Music Resource Center, called the hearing ''a mistake. . .that sent the wrong message.''

Last year, the Los Angeles Times reported that Gore met privately with potential donors in the entertainment industry in July 1999 and told them the idea for the FTC study—

Which I just referred to—

was Clinton's and not his, and that he was not consulted.

Then on August 18, the Chicago Tribune shows an inconsistency in how they react and work with Hollywood at different times. It says:

In southern California, records show, Gore and the Democratic National Committee so far have raised $10.3 million—a 13 percent increase—at a time when the DNC's nationwide fundraising pace is lagging behind 1996, when Clinton ran for re-election.

Quoting further in the article:

Gore generated $443,050 in hard money from the entertainment industry, 86 percent more than Clinton in 1996. He also took in $340,375 from lawyers and lobbyists, a 66 percent increase, and $124,350 from real estate interests, an 82 percent jump.

Now I will quote from the August 18 Los Angeles Times. The reference in the headline reads: ''. . .The Vice President is building upon that legacy'' to follow Clinton's close relationship with Hollywood. ''He has already raised more than the President did in '96.''

Later on in that article, referring to a person whom I do not know—his name is Reiner:

But Reiner . . . has expressed greater support for Gore than he had for Clinton. He has

hosted fund-raisers for Gore at his home, stumped for him on television and even flew to Ohio to join him at a campaign event last week.

A reference to the fact there were Hollywood types campaigning strongly for the Vice President because there was some chagrin in Hollywood, at least for a short period of time, about whether he is a legitimate crusader against Hollywood violence, which Senator LIEBERMAN is, that he was being selected as Vice President.

The Los Angeles Times reports on August 17, 2000—and this was Vice President GORE doing this.

The effort to blunt any dissent over Lieberman's selection started as word leaked out of his ascension to the ticket. Gore, according to an associate, made a round of soothing calls to Hollywood figures, including moguls Jeffrey Katzenberg and David Geffen.

I have already congratulated Senator MCCAIN for holding this hearing. We need to do what we can to stop violence being peddled by Hollywood so our young people do not think it is right to kill anybody. I do think it is wrong for the very people who are carrying on this crusade—the Vice President and the President—schmoozing at the same time they are carrying on this campaign with Hollywood.

I want to comment on Vice President GORE's curious interest in criticizing the entertainment industry for producing violent movies, television shows, and video games that promote immorality and attack traditional family values.

I do not doubt for 1 minute, as I have already indicated, that Senator LIEBERMAN is very sincere in his views on this matter, but the fact is that the Vice President is at the top of the Democratic ticket, and everyone knows that he will set the real tone should he be elected in November.

The fact is that the Vice President has taken a record amount of money from the entertainment industry. I refer, again, to the Chicago Tribune. The Vice President and the Democratic National Committee have raised $10.3 million from southern California as of August this year, a 13 percent increase over 1996, and the Vice President has gotten $443,050 in hard money from the entertainment industry, 86 percent more than President Clinton received in 1996.

The Clinton-GORE administration has been a real friend to the Hollywood liberals over the years. I guess all of those campaign contributions have had some effect. I think that when Hollywood producers hear one of their best friends in Washington criticize the entertainment industry, they just look to their ''cozy relationship'' with Clinton-Gore. The Hollywood moguls know GORE does not really mean what he says; at least that is a clear signal. Hollywood knows GORE does not really want to ''rock the boat.''

For instance, how many times at these fundraisers that they had was the opportunity taken to protest the violence coming from Hollywood through their films and their videos?

According to the L.A. Times, the Vice President privately told a group of Hollywood donors that he had nothing to do with President Clinton's effort to study whether Hollywood markets violence to children and that he was not consulted on the issue. That was in 1999.

But now that the study is out—this study came out this week—Vice President GORE is talking it up and taking credit. The Vice President is acting as if he has not made private promises to his big campaign donors and to Hollywood notables that they should not worry about a crackdown on Hollywood excesses. But we have heard all of this before.

In 1988, then-Senator GORE made similar promises after holding hearings into offensive music lyrics. It appears the Vice President will say what he wants to say, what he needs to say, to anybody he needs to say it to, just to get elected. I think the American people will not be fooled by these kinds of bait-and-switch tactics. They know a phony act when they see one.

In fact, Hollywood liberals are actively campaigning for the Vice President. For example, according to press reports, stars and movie producers have hosted GORE fundraisers, and some have even stumped for GORE around the country. So much then for standing up to Hollywood as opposed to schmoozing with them.

The American people need their leaders to take a genuine interest in building a civil society of which we can all be proud. We need leaders who will make sure children are protected from violence and immorality peddled under the guise of entertainment.

What we do not need is the Vice President telling the American people one thing while—with a wink and nod towards Hollywood, towards the big shots of the movie industry—assuring the Hollywood elite he does not mean what he says as he pockets their cold cash.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The distinguished Senator from Rhode Island is recognized.

PERMANENT NORMAL TRADE RELATIONS WITH CHINA

Mr. REED. Mr. President, we have, for many days, been debating the momentous decision of extending permanent normal trade relations with China.

At the essence of our debate is a very simple question: Will we continue a policy of economic engagement with China or will we turn away? I believe we have to continue this policy of engagement. We have pursued this policy for almost 30 years. It has contributed to profound change in China. But it has not transformed China into a classical liberal democracy. It has not led to the establishment of a multiparty democracy, with an independent judiciary protecting the rights of China's people, particularly the rights of expression. It has not cramped China's policy which supports the proliferation of weapons of mass destruction. But it has placed China on a very different historical trajectory than could have taken place.

This notion of the change brought in China came to me with great force last August when I was traveling through China. I was at Dandong on the Yalu River. We were looking across into North Korea. One of our guides pointed out that in the 1950s and early 1960s, North Korea had a higher per capita income. North Korea was seen as the model of socialist development in Asia. North Korea had had a heavy industrial sector that was competitive with many parts of the world.

Yet today—at that time last year—we were peering into a country that was starving, that had an economic system in collapse, that we were concerned could be so unstable they could threaten the peace of the region.

They did not choose the trajectory of international trade. They did not choose the path of engagement with the West. One can ask: Had China gone that route, had we not tried to engage China, would we be facing today a country with over 1 billion people hermetically sealed in an economically failing and ideologically driven country, armed with nuclear weapons? If we were confronting such a country, I think we would be much worse off than we are today, even with the frustrating and uneven relationship that we have—and we must admit we have—with China. So I believe that we must continue this policy of engagement, which is at the heart of the extension of permanent normal trade relations.

China is now a part of the world and the world economy, but it is also still China. It is a mixture of modernity and also a mixture of the old, indeed, the ancient.

One of the examples that I have seen in China—this one occurred just a few weeks ago when I was traveling there again—is the contrast in Wuhan. Wuhan is a city on the Yangtze Sea in China. It is an old city, not like the new cities on the coast such as Shanghai and other cities. It is in some respects the Pittsburgh of China. It is a highly intense, heavily industrial city. You can tell that from the extraordinarily bad air pollution.

There are two companies we saw. One was the Wuhan Iron and Steel Company. It is right out of the industrial age. Andrew Carnegie would have been right at home, except for the 386 computers that were running the facility.

Then we saw another factory, the Yangtze Fiber Optic Company. Modern; it could have been in Silicon Valley in California, producing fiber optic cable, producing it to world standards, initially a product of investment by the Dutch company Phillips, now a wholly owned enterprise by Chinese owners. These are the examples of the economy—the old and the very modern.

In addition to that, when you go out into the villages, you see perhaps the truly ancient. As you drive through China, you see individuals hammering away, as they have for thousands of years, repairing bicycles with hammers and not much else. You see farming activities that could go back thousands of years. It is a diverse country. But it is a country that has been profoundly affected by change in its contact with the West over the last several decades.

The other factor that is being seen as a result of this contact is the pressures within China generated by this change. We sometimes, and quite rightly, look to the effects on the United States by this trade deal. We presume that the only effects that are felt in China are positive, are beneficial, that in fact they are not going to make difficult choices and decisions. In fact, the reality is they are already seeing the effects of this change, of this contact with the West.

In the New York Times recently, there was an article about a factory in China where the workers, who were being let go because of the consolidation of this factory by their Western owners, were seizing the management, were blockading the facility, were effectively revolting from the effects of international trade.

There are examples of violence where inefficient state-owned mines and enterprises are threatened with closure and workers are literally rising up to demand that these facilities remain open.

So this change has also affected China. This change is recognized by the leadership. I had the opportunity to meet with Zhu Rongji, the Premier, while I was there just a few weeks ago. They understand very well that economic change will lead to political change. They might not welcome it. They might indeed try to avoid it. But they know that political forces, as well as economic forces, are unleashed when markets are open. That is one of the effects we will see through this extension of permanent normal trade relations.

For many reasons, I believe to step away would be a mistake. It would immediately embolden those who are our most bitter antagonists within China. It would, in many ways, take away the legitimacy of those forces in China, not liberals, but pragmatists who have sought a relationship with the West, and the United States in particular, that emphasizes trade over hostility, that emphasizes engagement over conflict.

To step away would also allow industrial nations around the world to take the benefits of our deal, the benefits of our bilateral relationship, the benefits of open trade with China, while we ineffectively try to use our abstention, our veto of China's entry into WTO, as very ineffectual political leverage to move them.

To step away would also represent a serious rupture in our relations with China that could not be explained away as merely a dispute about trade, the technicalities of trade. It would harden attitudes and opinions within China and, indeed, here in the United States at a time when we need a constructive and candid dialogue about our differences. And our differences are real. In order to discuss these differences, in order to maintain this dialogue, the extension of PNTR is essential.

It is quite evident at this juncture that a majority of my colleagues in the Senate find these reasons compelling, and PNTR will pass. But looking ahead, we should, at this point, be very cognizant of the possible consequences of PNTR. It will not be a panacea. It will not change China overnight. It will not lead to a huge increase in American exports to China. It will, in fact, create consequences that we may find very difficult. In fact, one of the points I tried to raise with Premier Zhu Rongji is that our expectations of China after PNTR will collide with the reality of China and may, indeed, usher in a period of more tension rather than less.

Now China wants desperately to be part of this commercial system that is made up of the United States and our major trading partners—for want of a better term, ''first world'' countries—all in precise terms, all carrying a sense of who the players are. But this system has some embedded values with which the Chinese will have to come to grips.

Our system emphasizes the protection of property rights. It also emphasizes the expectation of the regularity of governmental action. That is a polite term for ''no corruption.'' That is at the heart of our trading system. China has to come to grips with that.

Moreover, I do not believe China can divorce itself from even more fundamental values that are part and parcel of the world outside of developing countries. They start with respect for human rights, which is at the core of our democratic values, and they include protections for workers and the environment. We may have been unsuccessful in getting into these agreements, with force and with effect, language regarding human rights and worker rights and environmental rights, but no country or economy in the world can operate indefinitely today without recognizing these rights. In a world of increasingly transparent borders, the lessons of the economic, social and, indeed, one would say, moral success which has steadily improved the life of those who live in market economies in the West, do not escape the people in China and the people around the world. To the extent that they open themselves up to trade, they open themselves up to exposing these values to their own people.

China has a monumental task as they embrace this notion of free trade. It is not a one-way street. It is a two-way street. They face the task of transforming a system that is seriously undermined by persistent corruption, that pays scant respect to individual rights, that chooses order over law, and is obsessed with the need to keep millions of people working in an economy dominated by inefficient state-owned enterprises. Add to those domestic problems that are real and palpable the fear that internal disorder will lead to the exploitation of China by outside forces, a situation that dominated Chinese history in the last century and up until the 1940s.

In one respect that is one of the major reasons why they are militarily provocative in many ways to us, because to us they look as if they want to, perhaps figuratively, take over the world. In China, they recognize that recently their country was divided by Americans, by British, by Germans, and that their country was ruled by others rather than themselves. All these forces are at play.

The tremendous challenge to transform this country, the fear of their own security as a nation, because of these realities, we should not be surprised if China promises today more than it intends or even can deliver tomorrow with respect to these agreements.

In an article in the American Prospect, James Mann, who is a very astute observer of China, pointed out that we frequently develop perceptions about China that are different than the reality of China. Many perceive China today as this modern country that is an economic monolith of force, of incredible production, a force of endless and cooperative labor. They also see it as a monolithic political system, with the Communist party dominating, that is capable of turning on a dime, turning the switch left or right. The reality is more complicated.

The Chinese Communist Party plays the central role in the country, but it is an institution with internal factions. Some favor engagement with the West. Some disfavor it. Some harken back to the Maoist Cultural Revolution as the zenith of China. Others, quite properly—I hope the majority—reject that as a fantasy. But it is also a central authority that is constantly challenged by its provinces, constantly challenged by local political leaders. And the modernity of China, if you go to Shanghai, if you go to Hong Kong, certainly since it has not been absolved back into mainland China, that rapidly diminishes as you go away from the coast, as you go to the older cities, Wuhan and Shenyang, which years ago was known as Mukden, and as you travel to the small villages. Even with the wholehearted support of the leadership and the commitment of the party, it is hard to make things change.

Mann relates a meeting between President Nixon and Mao Zedong in 1973. President Nixon opened with a bit of flattery by saying:

> The Chairman's writings have moved the nation and have changed the world.

Mao, without missing a beat, retorted:

I haven't been able to change it. I have only been able to change a few places in the vicinity of Beijing.

The power, the capability, the willingness of China to change is questionable. But we know with the advent of WTO, even without WTO, with the continued pressure of interaction internationally, China will have to change. It has to reform inefficient industries while it still tries to maintain current employment and create 18 million jobs a year for new entrants into the labor force. This task alone has led to angry and sometimes violent conflict. It has to overhaul its justice system. It has to root out corruption. It also has to convince a very cynical population, particularly cynical about the Communist Party, that their future is going to be better rather than worse.

This is not an apology of China. This is, I hope, a statement of the reality of the challenges they face and the challenges that we have to understand as not only trading partners but as major powers in this world together.

In this collision between faithful implementation of WTO rules and the prospect of profound change that faces China, the Chinese leadership will be more than tempted to delay or undermine or misconstrue WTO rules. That, I would posit, is a very high probability. When this happens, ironically the business community that is descending upon us today to open up China, to get China into WTO, will descend upon us with equal force and say: Get tougher. And even without scrupulous adherence to the WTO, change is going to come to China. If this change further exacerbates the plight of millions of workers, the leadership could embark on a strongly nationalistic and assertive foreign policy as a means to galvanize support, to distract a disenchanted public from economic shortfalls. This could lead to more proliferation, more bellicose threats to Taiwan, the kind of military rumors that we all find disconcerting when it comes to China.

Having said all this, having painted a picture of what, in my view, are some of the realities of China, and having very little confidence that this arrangement will be adhered to scrupulously and fairly and routinely and quickly, one might ask: Then why do it?

We might not be getting a lot out of PNTR. Indeed, by voting for PNTR, we may only be trading the certainty of hostility for the chance to continue a relationship that is frustrating at best. But this relationship is critical to stability in the region and around the globe. For this reason, national security reason, if you would so describe it, this opportunity for stability, opportunity for time to work out some of these very fundamental problems is worth the effort.

We should also understand, as I have described the rigorous change that might come to China, that this agreement will not be painless for the United States. There will be economic sectors, communities, families who will see their lives changed. We hope for the better, but we know that change works both ways. Industries are less competitive in certain cases. Products can be produced more efficiently, more effectively, more cheaply overseas, displacing American workers. So we have to recognize, too, that our response to this issue is not simply passing this legislation this week. It is continuing our efforts, indeed, redoubling our efforts to ensure that we have an education system in the United States that can prepare people for this world of intense competition, that we have a health care system that will allow families, particularly children, to have access to the best care in the world, that we will have a disciplined fiscal policy in this country that will provide the foundation, along with sensible monetary policy, for the continued expansion of our economy so that those economic benefits can flow not only to the very few but to all Americans.

Our task is not to reject PNTR. Our task, if we accept PNTR, which I suspect we will, is to ensure that our efforts are directed to improve the quality, the competitiveness, the abilities of our workers. When we do that, we will have much less to fear about the disruptive change that will come through PNTR.

Now, I have spent some moments speaking about the major themes I see emerging with respect to PNTR in relationship to China. Let me take a few more moments to talk about the tangible aspects of this legislation before us. This legislation is unlike other trade arrangements that I have debated and voted upon, specifically regarding NAFTA, where we were lowering our tariff barriers and opening our markets, and we were looking at a comparable lowering of barriers in Mexico.

This is a situation where our markets are already open to China. Our markets have been open for years. This is the first time, though, we have had meaningful tariff reduction by the Chinese, meaningful elimination of nontariff barriers by the Chinese, opening up of a broad range of American industry—industrial, service industries, all of them—so that they can enter into China, allowing our companies to operate without necessarily having Chinese partners, allowing our companies to have their own distribution systems within China. This is a deal, economically, that represents concessions by the Chinese in terms of tariff barriers, nontariff barriers, entry of American business, and investment with very little, if any, concessions on our part because the reality is we have already, in effect, made those concessions years and years ago.

The agreement binds tariff rates that China will charge on our goods because of the WTO framework, so that it can't unilaterally raise the tariffs. As I mentioned before, it covers a broad array of American products, banking, insurance, telecommunications, business, and computer services—all of which have had a difficult time getting into China. It also attempts to protect in a very meaningful way potential surges in goods of China coming in to the U.S. It allows us to use some domestic dumping tools that we already have in our legal inventory. It has gone a long way to try to counteract a surge of Chinese products coming in.

But opponents, and indeed proponents, of this legislation point out an inescapable fact: We are running huge trade deficits to the world and, in particular, China. These trade deficits are something we have to deal with. Coincidentally, today, it was just announced that the trade deficit has hit an all-time high. It continued to break records this spring as foreigners kept pouring investment into the American economy and Americans stepped up their buying of foreign goods. We have a huge problem with our trade deficit. It is a ticking time bomb. China is a big part of it, but China is not the only part of it.

Interestingly enough, a rapidly increasing percentage of American imports now comes from nations where wages are actually higher than in the United States—including Switzerland, Germany, Denmark, Sweden, and Austria. They all enjoy booming exports from the United States. The current stereotypical thinking is that cheap wages in China is why they proliferate all their goods, and that is our problem; we are competing the heck out of the old European countries. But it turns out that is not the case either. In this world, company productivity, efficiency, quality in the workforce, and to be productive are just as determining.

My point in all of this is that we have a trade deficit, but it is not solely, exclusively a function of China. I believe the response to that is not rejecting PNTR. It is first recognizing consciously the difficulty and beginning consciously and deliberately with respect to all of our trading partners to get more American products into their markets, to properly look at the techniques they are using to get their goods into our market, and to, in effect, look at this problem not as a Chinese problem but as an American problem. And it will be an American problem if we do not pay sufficient attention. It will be manifested in a sudden and rapid deterioration of our currency if enough forces come into play.

At present, we are living in a world in which the security of the American market, the attractiveness of our investments, rules and regulations of the SEC, and a host of other things, make America a safe haven, a place where you want to put your money. But there may come a day when investors—and not principally Chinese investors, but others—decide they are going to start selling American currency short because they can put the money elsewhere.

Now, we have all seen the benefits of trade with China. I have seen it in Rhode Island. It has been growing from a very small base to a moderately larger base, and it continues to grow. In fact, years ago, one of the first glimpses I had of the global economy was going to an Italian parade on Federal Hill in Providence, RI, meeting a gentleman with whom I chatted. I took him to be a jewelry worker or somebody who worked in the plant. It turns out he owned that business in Rhode Island. We were chatting and he asked me, ''Have you ever been to China?'' That was 5 or 6 years ago. Then, he casually said he owned an aerosol factory in Beijing. So I knew when you go to an Italian festival in Providence and chat with a businessman and he owns an aerosol factory in China, the world is getting much smaller. It is happening all across the country.

What we have tried to do in this agreement—we, the negotiators—is to recognize that some of our products that are very dear to the hearts of our economy will get some benefits. For example, on precious metals and jewelry—a huge part of our economy and still an important part—China will reduce its tariffs from 40 percent to 11 percent. That, we hope, will help. In terms of information technology products, that is something we would like to be a bigger part of our economy, but it is a growing part. China will eliminate all duties on computers, electronics, fiber optic cable, as well as on scientific and measuring equipment. We have some of the oldest industrial measuring companies in the world, such as Browne and Sharpe; they, too, will benefit. And there are several more products where we can see advantages that will accrue directly to my home State of Rhode Island.

Also, there is just a general benefit to the businesses and workers of America. It is very much manifested in small- and medium-size businesses because they are doing more and more trade with China. It has doubled in the last 5 years from about 3,100 small- and medium-size businesses trading with China to about 7,600 trading today. That should increase even more. Part of this arrangement in the President's proposal in terms of making PNTR work is making the Department of Commerce more active in promulgating trade with China—going out and educating small- and medium-size businesses about the advantages of trade with China, and show them through web sites and informational brochures how to get into the Chinese market. Once again, I believe—and maybe this is the essence of our mutual faith in this country—that once our businesspeople and our workers have the idea and the knowledge to go out and do something, they are going to do it and do it very well.

As I mentioned previously, we have already built in some protections against inevitable, or at least possible, surges of Chinese imports into our country. We have special provisions that will last 12 years, which deal with market disruptions and will not be limited to any one product but to all the products the Chinese may export to this country. We also will still have access to sections 301 and 201, and antidumping mechanisms that are American laws, but the Chinese have agreed to allow them to be used in this transition and in this implementation of PNTR and WTO.

Congressman LEVIN of Michigan, as part of the bill we are considering today, has also created an executive-legislative commission that will oversee not only the trade impact but also the human rights issues that have been raised time and time again on this floor. This commission will be another vantage point from which we can assess and evaluate our relationship with China and their fidelity to the agreements they have signed.

The long and the short of it is that this is an agreement in its details which gives advantages to the United States which will help us and which I believe should be supported.

We are at a point where this measure I believe will pass. We are at a point at which we are embarking on a continuation of our relationship with China, but again a relationship that is still troubling to many.

PNTR will not cure all the defects we see in China, nor eliminate all the defects they see in the United States. But it will continue to give us a framework to be engaged. It will continue to give us the opportunity and the time to work at some of these very fundamental problems. It will challenge the Chinese in many respects to do as much as we will be challenged —some would argue, even more.

We, fortunately, have a system of government that is not dominated by a bureaucratic—and one would say anachronistic—single party. We have a citizenry that is educated. We have social networks. We have Social Security. We have Medicare.

China—which is one of the ironies of that great socialist bastion—has no system of national health care, has no system of pensions, has no system of Social Security. It is all tied into the terribly inefficient state-owned enterprises. And if they try to change these state-owned enterprises, they are going to have to create, in effect, a social welfare system, which we already have in place.

But I also don't want to minimize the fact that in the lives of many American families, this legislation could force change. But the opportunity to continue this engagement, the opportunity to insist that the Chinese not only participate in a world order but be responsible for values of that order, is an opportunity I don't think we can pass up at this time.

I will support this measure. I also look forward to the opportunity to come back here again when, in implementation, we see that they fall short; when, in implementation, they see us as falling short; but just the opportunity, and I think to be able to have a forum to carefully discuss these issues. It is better than turning away from China. It is better than inducing hostilities. It is better than the alternative.

Mr. President, I yield the floor.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. In accordance with the previous order, the Senate now stands adjourned until 11 a.m. on Thursday, September 14.

Thereupon, the Senate, at 8:25 p.m., adjourned until Thursday, September 14, 2000, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate September 13, 2000:

THE JUDICIARY

RICHARD W. ANDERSON, OF MONTANA, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF MONTANA VICE CHARLES C. LOVELL, RETIRED.

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIE A. ALEXANDER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. CAROLE A. BRISCOE, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. DAVID J. KAUCHECK, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. DANIEL F. PERUGINI, 0000

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. JEFFREY J. SCHLOESSER, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JOHN E. STEVENS, 0000

To be brigadier general

COL. RICK BACCUS, 0000
COL. ABNER C. BLALOCK JR., 0000
COL. JOHN M. BRAUN, 0000
BRIG. GEN. GEORGE A. BUSKIRK JR., 0000
COL. JAMES R. CARPENTER, 0000
COL. CRAIG N. CHRISTENSEN, 0000
COL. PAUL D. COSTILOW, 0000
COL. JAMES P. DALEY, 0000
COL. CHARLES E. FLEMING, 0000
COL. CHARLES E. GIBSON, 0000
COL. MICHAEL A. GORMAN, 0000
COL. JOHN F. HOLECHEK JR., 0000
COL. MITCHELL R. LECLAIRE, 0000
COL. RICHARD G. MAXON, 0000
COL. GARY A. PAPPAS, 0000
COL. DONALD H. POLK, 0000
COL. ROBLEY S. RIGDON, 0000
COL. CHARLES T. ROBBS, 0000
COL. BRUCE D. SCHRIMPF, 0000
COL. THOMAS J. SULLIVAN, 0000
COL. BRIAN L. TARBET, 0000
COL. GORDON D. TONEY, 0000
COL. ANTONIO J. VICENS-GONZALEZ, 0000
COL. WILLIAM L. WALLER JR., 0000

COL. CHARLES R. WEBB, 0000
COL. WILLIAM D. WOFFORD, 0000
COL. KENNETH F. WONDRACK, 0000
COL. RONALD D. YOUNG, 0000

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. WILLIAM J. DAVIES, 0000
BRIG. GEN. GEORGE T. GARRETT, 0000
BRIG. GEN. DENNIS A. KAMIMURA, 0000
BRIG. GEN. BRUCE M. LAWLOR, 0000
BRIG. GEN. TIMOTHY E. NEEL, 0000
BRIG. GEN. LARRY W. SHELLITO, 0000
BRIG. GEN. DARWIN H. SIMPSON, 0000
BRIG. GEN. EDWIN H. WRIGHT, 0000

To be brigadier general

COL. GEORGE A. ALEXANDER, 0000
COL. CHARLES C. APPLEBY, 0000
COL. TERRY F. BARKER, 0000
COL. JOHN P. BASILICA JR., 0000
COL. WESLEY E. CRAIG JR., 0000
COL. JAMES J. DOUGHERTY JR., 0000
COL. RONALD B. KALKOFEN, 0000
COL. EDWARD G. KLEIN, 0000
COL. THOMAS P. LUCZYNSKI, 0000
COL. JAMES R. MASON, 0000
COL. GLEN I. SAKAGAWA, 0000
COL. JOSEPH J. TALUTO, 0000
COL. THOMAS S. WALKER, 0000
COL. GEORGE W. WILSON, 0000
COL. IRENEUSZ J. ZEMBRZUSKI, 0000

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. HERBERT L. ALTSHULER, 0000
BRIG. GEN. RICHARD E. COLEMAN, 0000
BRIG. GEN. B. SUE DUEITT, 0000
BRIG. GEN. MICHAEL R. MAYO, 0000
BRIG. GEN. ROBERT S. SILVERTHORN JR., 0000
BRIG. GEN. CHARLES E. WILSON, 0000

To be brigadier general

COL. MICHAEL G. CORRIGAN, 0000
COL. JOHN R. HAWKINS III, 0000
COL. GREGORY J. HUNT, 0000
COL. MICHAEL K. JELINSKY, 0000
COL. ROBERT R. JORDAN, 0000
COL. DAVID E. KRATZER, 0000
COL. MICHAEL A. KUEHR, 0000
COL. BRUCE D. MOORE, 0000
COL. CONRAD W. PONDER JR., 0000
COL. JERRY W. RESHETAR, 0000
COL. BRUCE E. ROBINSON, 0000
COL. JAMES R. SHOLAR, 0000
COL. EDWIN E. SPAIN, 0000
COL. STEPHEN B. THOMPSON, 0000
COL. GEORGE W. WELLS JR., 0000

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DAVID L. LADOUCEUR, 0000

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

JEFFREY N. ROCKER, 0000

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTIONS 531 AND 5582:

To be commander

JERRY C. MAZANOWSKI, 0000
ROBERT L. SCHETKY, 0000
ANTHONY C. SMITH, 0000

To be lieutenant commander

WILLIAM D. AGERTON, 0000
KARIE F. ANDERSEN, 0000
OCTAVIO A. BORGES, 0000
JOHN T. CONTRERAS, 0000
KARINE M. CURETON, 0000
JUDITH M. DICKERT, 0000
STEPHEN M. GILL, 0000
MARTHA K. GIRZ, 0000
VANCE M. GOOCH, 0000
JORGE A. GRAZIANI, 0000
KURT A. HENRY, 0000
JEFFREY J. LAUGLE, 0000
GERARD J. MAHONEY, 0000
MARK A. MALAKOOTI, 0000
FREDERICK J. MC DONALD, 0000
MARY A. MC MACKIN, 0000
WILLIAM R. MEEKER, 0000
CHRISTOPHER S. QUARLES, 0000
RICHARD L. SIEMENS, 0000
BRADLEY H. SMITH, 0000
PATRICIA A. TORDIK, 0000
TODD L. WAGNER, 0000

To be lieutenant

DAVID R. APPEL, 0000
BRAD L. ARTHUR, 0000
ALBERT R. BAKER, 0000
DAVID G. BAPTISTA, 0000
JOEL D. BASHORE, 0000
JERRIS L. BENNETT, 0000
TIMOTHY J. BERGAN, 0000
WILLIAM G. BERRY, 0000
LEAH A. BERSAMIN, 0000
MICHAEL B. BEZA, 0000
BRIAN A. BISHOP, 0000
SHELLY R. BLADOW, 0000
MARC E. BOYD, 0000
ERIC K. BRESSMAN, 0000
STEPHEN P. BROMBEREK, 0000
ANNE M. BROWN, 0000
DEIRDRE L. BROWN, 0000
SARAH A. BROWNE, 0000
SHAWN J. BRUNELLE, 0000
CHARLES R. BULL JR., 0000
JAMES E. CARSTEN, 0000
SUSAN D. CHACON, 0000
CHRISTINE A. CHAMBERS, 0000
ROSEANNA A. CHANDLER, 0000
CARMEN D. CHRISTIAN, 0000
CYNTHIA K. CHRISTIAN, 0000
WANDA A. CORNELIUS, 0000
CHRISTOPHER J. CORVO, 0000
CHRISTOPHER D. COURTLEY, 0000
WILLIAM C. COZZA, 0000
JOHN M. DANIELS, 0000
WILLIE P. DANIELS, 0000
WILLIAM C. DEATON, 0000
EVELLYN DECAAL, 0000
PHILIP M. DECKER, 0000
JOYCE M. DOYLE, 0000
DWAYNE D. DUCOMMUN, 0000
JUNIUS DURAL JR., 0000
JOHN E. ECKENRODE, 0000
THOMAS C. ENGLAND, 0000
RUEL G. ENRIQUEZ, 0000
BENEDICT H. EU, 0000
EDWARD J. FIORENTINO, 0000
DAMIAN D. FLATT, 0000
MICHAEL T. FLEETWOOD, 0000
ALFONSO FLORES, 0000
BEN T. FOSTER, 0000
NATHAN T. FRANCIS, 0000
DON S. FURUKAWA, 0000
PETER D. GALINDEZ, 0000
KENDRA LEE K. GASTRIGHT, 0000
ALLEN COLLEEN M. GLASER, 0000
TODD S. GLASSER, 0000
DEBORAH L. GOODWIN, 0000
CHARLES E. GREENERT, 0000
ELIZABETH L. GREENWOOD, 0000
JAMES E. GRIMES, 0000
MARC F. GUARIN, 0000
AMBERLY M. HALL, 0000
ISTVAN HARGITAI, 0000
FREDDIE R. HARMON, 0000
JOHN A. HELTON, 0000
CHRISTOPHER H. HERR, 0000
MARK C. HOLLEY, 0000
MARY M. HUPP, 0000
STEPHEN B. JACKSON, 0000
PATRICK E. JANKOWKSI, 0000
SANDRA K. JOHNSON, 0000
CHRISTOPHER L. JONES, 0000
ELISABETH B. JONES, 0000
LAUREN E. JONES, 0000
SHARI F. JONES, 0000
TIMOTHY F. KEETON, 0000
TERESA L. KIESSLING, 0000
ERIN C. KOON, 0000
VENNESSA LAKE, 0000
TIMOTHY G. LAMB, 0000
LUCIAN C. LAURIE, JR., 0000
RANDALL K. LIMBERG II, 0000
JAMES A. LINK, 0000
STEVEN L. LOBERG, 0000
JAMES M. LUCCI, 0000
PETER M. LUNDBLAD, 0000
ANGELA R. MACON, 0000
STEVEN R. MARSHALL, 0000
CHRISTOPHER A. MARTINO, 0000
ROBERT F. MASSARO, 0000
CHARLES G. MC KINNEY, 0000
JON A. MELLIS, 0000
DENNIS I. MILLS, 0000
MARK S. MORRELL, 0000
THOMAS M. MOSKAL, 0000
CHRISTOPHER T. MURPHY, 0000
DORIS J. NEDVED, 0000
JUANITA NEIL, 0000
JOSEPH H. NEUHEISEL, 0000
GREGORY G. NEZAT, 0000
ERIK R. NILSSON, 0000
KEVIN M. NORTON, 0000
CATHERINE L. O CONNOR, 0000
CRAIG R. OLSON, 0000
LISA A. OSBORNE, 0000
NORMAN C. OWEN, 0000
JACQUELINE R. PALAISA, 0000
IMELDA L. PAREDES, 0000
ANANT R. PATEL, 0000
JEFFREY M. PAUL, 0000
JOHN C. PROFERA, 0000
VANE A. RHEAD, 0000
RONALD RIOS, 0000
WILMA J. ROBERTS, 0000
JON P. RODGERS, 0000
CHRISTOPHER ROPER, 0000
THOMAS D. RUTLEDGE, 0000
RODNEY L. SANDERS, 0000
DAVID R. SAUVE, 0000
THOMAS SCHLATER, 0000
MICHAEL S. SEATON, 0000
WANDA L. SELLERS, 0000
REDENTOR P. SESE, 0000
ERIC J. SIMON, 0000
JAMES A. SINCLAIR, 0000
NATHAN D. SNIPES, 0000
RHONDA K. STELL, 0000
LENWOOD P. STEWARD, 0000
ROBERT W. STOVER, 0000
JOHN R. SUDDUTH, 0000
JON M. TAYLOR, 0000
JOHN B. THEISZ, 0000
MICHAEL VECERKAUSKAS, 0000
DOUGLAS S. VELVEL, 0000
TODD A. WANACK, 0000
JAMES R. WATTS, 0000
MARK D. WEAVER, 0000
BRUCE J. WEBB, 0000
JERRY P. WEBB, 0000
GLORIA A. WHITMIRE, 0000
WAYNE R. WILCOX, JR., 0000
ROBERT R. WILLIAMS, 0000
LELITIA D. WOOTSON, 0000
KATHERINE A. ZECH, 0000

To be lieutenant (junior grade)

DOUGLAS J. ARNOLD, 0000
HEATHER E. BALDWIN, 0000
PAUL V. BANDINI, 0000
MICHAEL R. BENSCH, 0000
DAVID S. BRINSON, 0000
MARK J. BROWNFIELD, 0000
LENN E. CARON, 0000
NOEL W. COLON, 0000
BRENNA C. CONWAY, 0000
CHRISTOPHER C. CRONINGER, 0000
SEAN P. DALTON, 0000
JASON K. EDGINGTON, 0000
CHRISTOPHER A. FOTOS, 0000
GORDON J. GLOVER, 0000
JEAN A. GREGG, 0000
ALEX R. GRIEG, 0000
ERIKA D. HARDING, 0000
DAMON B. HEEMSTRA, 0000
KHARY W. HEMBREE, 0000
SCOTT HERMON, 0000
FERDINAND C. HERRERA, 0000
BRETT D. INGLE, 0000
BARRY L. JAMES, JR., 0000
SHERRI L. LANEJOHNSON, 0000
RUSSELL G. LAWRENCE, 0000
JEFFREY D. LENGKEEK, 0000
SANTO MC ADOO, 0000
MICHAEL D. MC CORKLE, 0000
SAUL MONTES, 0000
BRENDAN G. MURPHY, 0000
RYAN L. NATIONS, 0000
MICHAEL K. OBEIRNE, 0000
RACHEL A. PERRY, 0000
JASON M. PICARD, 0000
KATHRYN L. PINEDA, 0000
ROGER L. PIRKOLA, 0000
RUSSELL C. RANG, 0000
LARA A. RHODES, 0000
LUIS RIOSECO, JR., 0000
THOMAS F. ROBBINS, 0000
JAMES M. ROBERTSON, 0000
LAURIE SCOTT, 0000
JOSEPH D. SEARS, 0000
LEONARD W. SIMMONS, 0000
PRUDENCE Y. SLOWE, 0000
SCOTT M. SMALL, 0000
SEAN G. SMITH, 0000
ROBERT W. SPEIGHT, 0000
SUSAN B. SPERLIK, 0000
FRANCIS J. STAVISH, 0000
DUDE L. UNDERWOOD, 0000
LANA L. VANVOORHEES, 0000
LYNN D. VAUGHN, JR., 0000
DONALD R. VOELBEL, 0000
LETITIA R. WHITE, 0000
JAMES WHYTE IV, 0000
RONALD A. WOODALL, 0000

To be ensign

JAMES S. CARMICHAEL, 0000

EXTENSIONS OF REMARKS

MINIMUM WAGE COMPROMISE

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BEREUTER. Mr. Speaker, I submit for my colleagues the following editorial, from the September 7, 2000, edition of the Norfolk Daily News. This editorial highlights the letter sent by House Speaker DENNIS HASTERT to the President both on the minimum wage and on small business tax cuts. In particular, this editorial recognizes the Speaker's efforts towards compromise on this.

[From the Norfolk Daily News, Sept. 7, 2000]

A COMPROMISE—HOUSE SPEAKER HASTERT OFFERS METHOD TO REACH DEAL ON MINIMUM WAGES

House Speaker Dennis Hastert says he believes it possible for congressional Republicans and the Clinton administration to reach agreement on the minimum wage issue.

The White House and Democrats on Capitol Hill had sought a minimum wage increase of more than the dollar over a two-year period that many Republicans believed acceptable. Mr. Hastert's colleagues wanted that spread over a three-year period. They have relented.

The compromise outlined by Mr. Hastert includes a tax package that would benefit the small businesses most affected by changes in the minimum wage scale. Therefore, its risks of broader adverse economic effects are reduced.

Given the fact that current employment conditions mean the minimum wage is less frequently the starting wage today, the impact may be limited. There is still the risk, though, that the figure is high enough that employers can be discouraged from hiring the unskilled and marginal workers most in need of job opportunities.

Raising mandatory minimums is a dangerous political exercise. Politicians cannot create jobs on a lasting basis, but they can easily destroy them and harm the economy by trying to fix wages in the private sector. So it is important that their perennial tendency to raise them be moderated. Mr. Hastert's effort is in that spirit, and it is a test of President Clinton's willingness to reach a reasonable compromise.

TOWN OF MEDFIELD ANNIVERSARY

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MOAKLEY. Mr. Speaker, I wish to acknowledge the Three Hundred and Fiftieth Anniversary of the Town of Medfield, Massachusetts and in so doing reference the fine historical research of Richard DeSorgher in compiling a perspective of the Town's history.

Mr. Speaker, in the month of June, in the year 1650, a small group of pioneers ventured outward from the already established Town of Dedham, Massachusetts, into the wilderness seeking to build a new life for their families.

In 1651, those pioneers incorporated the Town of Medfield as the forty-third town in the Commonwealth of Massachusetts and quickly adopted the town meeting form of government that exists to this day in Medfield and in countless towns throughout the Commonwealth and the Nation.

As an inducement to participate in town meetings, it was voted that any citizen of Medfield that arrived at the town meeting after nine o'clock would be fined twelve pence. Selectmen were compensated for their public service with a free dinner, while the custodian/drummer was paid twenty shillings for his labor.

Mr. Speaker, the Town of Medfield has, since its founding and throughout its history, demonstrated the civic mindedness, sense of honor and duty, and compassion that have made this country the beacon of hope and freedom it has become to people from all over the world. The brave, and self-reliant men and women who founded America's first towns bore the hardships that were the cornerstone of the American character, and the citizens of Medfield have demonstrated that character since the year Medfield was first established.

In that spirit, when the City of Boston was blockaded by the King's Navy under the Intolerable Acts, the citizens of Medfield did not hesitate in collecting and delivering one-hundred and thirty-two pounds of pork, four hundred and two pounds of cheese, and twenty-two cartloads of wood to aid their fellow colonists in time of need.

Mr. Speaker, one hundred and fifty-four citizens of Medfield saw combat in the Revolutionary War, which at that time, reflected one out of five people of Medfield's entire population.

Throughout American history and the history of the Commonwealth, Medfield has played a prominent and honorable role. Akin to the public mindedness of their ancestors, Medfield's citizens continue to demonstrate a commitment to working together in order to enhance the public good.

Mr. Speaker, I am proud to report that the same strength, character, and perseverance that has sustained Medfield over the last three hundred and fifty years, continues unfettered to this day as is evidenced by the outstanding achievements of the town officials, and the citizens investing in their future by maintaining perhaps the finest school system in the Commonwealth of Massachusetts.

Mr. Speaker, it is my distinct honor to pay tribute and to bring congratulations and thanks to the men, women, and children of Medfield, from the United States Congress.

BILINGUAL EDUCATION

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BEREUTER. Mr. Speaker, I submit for my colleagues this editorial from the August 23, 2000, Omaha World-Herald regarding the effectiveness of bilingual education.

[From the Omaha World-Herald, Aug. 23, 2000]

BILINGUAL ED TAKES A HIT

Ken Noonan, a California public school principal, has an interesting story to tell. It begins: I was wrong.

Noonan, whose story was related in The New York Times on Sunday, spent many years as a leading proponent of bilingual education. That's a way of educating students who enter school not knowing the English language. The theory is that these students can learn best by taking their math, science, history and other subjects in their native tongue. Over time, they make a gradual transition into English, partly as a result of studying it on the side as a second language.

Or so the theory goes.

So enamored of bilingual education was Noonan that, 30 years ago, he founded the California Association of Bilingual Educators. In the 1990s, when opponents of bilingual education proposed a ballot initiative to discontinue its use, he was one of the leaders in the fight to preserve the status quo.

''I thought it would hurt kids,'' he said of the ballot initiative.

But the initiative passed. In effect, students who don't speak English are required to plunge in and do their best. In the two years since the initiative took effect, test scores in the target group have risen sharply. Kids are learning English. And Noonan, who predicted that children would be hurt, now says: ''The exact reverse occurred, totally unexpected.'' He said children are learning formal and written English ''far more quickly than I ever thought they would.''

Research, he said, says it takes seven years for students to learn English. In practice, they showed considerable progress in 9 to 12 months.

The Times, in its story about the higher test scores, noted that some educators are still reserving judgment. For one thing, it's uncertain how many schools made a complete break from bilingualism. Other improvements, including a reduction in class sizes, may account for some of the progress. And the overall scores, even though they rose, are still embarrassingly low.

From the experience of Noonan and others in California, however, it's possible to draw a few conclusions about the way society educates its children:

Too often the educational establishment trusts in theories, such as the theory Noonan thought justified giving students seven years to learn English, when common sense cries out for more documentation. No one knows how much damage has been done by the various new maths and watered-down histories that have come along over the years in the

name of making education more ''progressive.''

One of the worst ways to harm children is to expect too little of them. That bores them and teaches that school is of little consequence. These feelings are compounded by artificial esteem-boosting, such as the praise of accomplishments that aren't really accomplishments. This makes them feel sheepish. Challenging them with real work makes them feel the pride that can come only from growing, stretching, maturing and mastering a difficult task.

Immigrants, for the most part, want to learn English. Critics who accuse them of the contrary are generally basing their opinions on assumed or incomplete information.

Bilingual education, The Times said, took root because of strong support in Congress. Extra money was provided for bilingual programs, following the idea that government knows best.

Of course, government doesn't always know best. Just ask the founder of the California Association of Bilingual Educators. He has a story that's worth listening to in any other place where bilingual education is producing less-than-satisfactory results.

THE ARC OF MONTGOMERY COUNTY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. MORELLA. Mr. Speaker, I would like to express my appreciation and support for the Arc of Montgomery County. For the past 40 years, this organization has sponsored the Fashion Show Benefit each spring as its major annual fund-raiser event. The proceeds of this wonderful benefit go toward improving the lives of people with mental disabilities and their families. Over the years more than 20,000 people have attended this event, which has netted about $1.2 million. Throughout its history, the Arc of Montgomery County Fashion Show has been planned and organized by hundreds of dedicated volunteers, who choose a theme, produce publications, coordinate an auction, assemble elaborate decorations and market the event. The Arc of Montgomery County is proud to be associated with all the volunteers who have contributed to the event, and with the program participants who have benefitted.

Mr. Speaker, I too have been proud to be associated with the Arc of Montgomery County and their volunteers. I commend them for their outstanding achievements.

THE EISENHOWER DISTINGUISHED CITIZENS AWARD

HON. TOM BLILEY

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BLILEY. Mr. Speaker, in keeping with its policy, ''the Army takes care of its own,'' the members of the U.S. Army and their families and friends financed and constructed the Army Distaff Hall at 6200 Oregon Avenue, Washington, D.C. The facility, designed to provide a haven for the widows of deceased military personnel, was completed in 1962. Ten years ago, the name of the facility was changed to Knollwood and a new resident policy was instituted to include retired military personnel and their spouses.

A driving force behind this successful operation was General Dwight D. and Mrs. Eisenhower. The Army Distaff Foundation, Inc. annually recognizes an individual whose contributions to the military are outstanding. The current recipient of the Eisenhower Distinguished Citizens Award is historian and author, Stephen E. Ambrose, Ph.D., and his citation is as follows:

Stephen Ambrose has devoted his whole professional life to the writing of deeply insightful accounts of critical moments in American history. From the explorations of Lewis and Clark in the early 1800's, to his works on the Civil War, the Indian Wars, and World War II, Dr. Ambrose has brought into focus the profound hardships and perils of many outstanding historical events. In doing so, he has revealed the strength, the determination, and the courage of the men and women who risked their lives to achieve the needs and the goals of our country.

Dr. Ambrose chronicled the achievements of men and women of all ranks in World War II—citizens who braved adversity to overcome the barbaric threat to the free world. In an initiative of enduring importance going beyond his historical writings, he brought into being the National D-Day Museum in New Orleans, an institution that celebrates and commemorates the American spirit, teamwork, optimism, courage, and sacrifice of the men and women who won World War II.

As a result of Dr. Ambrose's careful documentation and analysis of the major campaigns of World War II, he has been a force in the field of international education. His works have been published in numerous languages and he has lectured at nearly all the leading universities in Europe. Central to all his presentations, he has been a storyteller who vividly explains, illustrates, informs, and entertains.

Throughout his lifetime of work, Dr. Ambrose has distinguished himself in his field by showing the need for military preparedness, and by describing the achievements of American leaders, and the citizen soldiers whom they led, thereby illustrating the historical heritage of America and Americans. The nation stands in debt to this accomplished storyteller who has added so much to our knowledge of what has gone before.

TRIBUTE TO CHRISTIAN BROTHERS ACADEMY ON THE OCCASION OF ITS CENTENNIAL CELEBRATION

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. WALSH. Mr. Speaker, Christian Brothers Academy first opened its doors to 17 male students on September 4, 1900 in a house on the corner of North State and East Willow Streets in the city of Syracuse, New York. Since that time, Christian Brothers Academy, referred to locally as CBA, has grown to become a dominant force in scholastic education in Central New York as a private, Catholic, coeducational college preparatory school in the LaSallian tradition.

After opening in 1900, CBA's first structure was replaced by a three-story school building in 1904, which remained the ''Brothers' Boys'' home until it moved to a modern campus in DeWitt, New York in 1961. Today, that modern campus on the corner of Kimber and Randall Roads continues to be transformed. In conjunction with the school's centennial celebration, the Board of Trustees has undertaken a $7 million capital campaign to upgrade and expand the CBA campus—including the construction of a Fine Arts wing, renovation and expansion of science facilities, the addition of new classrooms and multi-media labs, and the construction of new athletic practice facilities. In addition, the campaign will provide an increased number of endowed scholarships to make CBA's strong educational program available to more needy young men and women in the Syracuse area.

Throughout its existence, Christian Brothers Academy has responded to the changing times. Junior high grades were added in 1977 in an effort to counter declining numbers with the addition of two Diocesan regional high schools, the dress code was relaxed, academic course options were implemented and females were admitted in 1987 with the closure of the all-girl Franciscan Academy in Syracuse.

While receptive to improvements, CBA has held many traditions constant. Its annual Musicale continues, and CBA remains a local powerhouse in scholastic athletics, winning a variety of sectional, state and Eastern States Catholic Schools titles in men's football, baseball, basketball and soccer, and in women's varsity swimming.

CBA graduates are successful professionals and parents residing throughout our nation, and dozens of Central New York's past and present elected leaders boast of Brothers' diplomas. As a member of the CBA Class of 1966 myself, it gives me great pleasure to recognize Christian Brothers Academy on 100 years of service to our community as we continue with ''pride in our past and faith in our future.'' Congratulations.

HONORING MR. ARMAND AUDINI

HON. HEATHER WILSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. WILSON. Mr. Speaker, today I would like to share with you the story of Mr. Armand Audini better known as ''Dini'' to his co-workers. Mr. Audini has worked at the New Mexico VA Medical Center in Albuquerque New Mexico for 30 years now. Because of his dedication and loyalty, Green Thumb Inc. presented this octogenarian with the most Outstanding Older Worker award.

Mr. Audini is truly a shining example of America's mature worker who is changing the stereotypes about aging and he serves as a positive role model for our younger generation. Mr. Audini has seen his work process enter the world of ''high tech'' and he has met the challenge of a computerized environment admirably.

Mr. Speaker, please join me in honoring Mr. Audini's enthusiasm and commitment to today's work force. He truly exemplifies that Ability is Ageless.

IN RECOGNITION OF REFLEXITE CORPORATION'S 30TH ANNIVERSARY AND 15TH ANNIVERSARY OF THE ESTABLISHMENT OF THEIR EMPLOYEE STOCK OWNERSHIP PLAN (ESOP)

HON. NANCY L. JOHNSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. JOHNSON of Connecticut. Mr. Speaker, I enthusiastically support Reflexite Corporation's celebration of their 30th year as a company and 15th year of the establishment of their Employee Stock Ownership Plan (ESOP). On September 16, 2000, Reflexite will celebrate many accomplishments; being a world leader in the creation of microprism retroreflective technology that is unparalleled by any other company, their fundamental commitments and excellence in technology, quality and customer service, and allowing all employees to contribute to the growth of the company through ownership. In 1985, Reflexite Corporation established its ESOP and was recently recognized as the New England ESOP Company of the Year, 2000.

Since its founding, Reflexite Corporation has achieved technological breakthroughs that continue to open new markets throughout the world. Reflexite's worldwide network of member companies also strive for excellence, service, and commitment to technological advances in the industry. Reflexite Corporation is a civic minded company, reaching out to numerous groups and individuals, improving many lives. Their success has been achieved through the hard work, creativity and determination on the part of the employee-owners. It is with great pride that I rise to recognize their tremendous accomplishments and contributions to the State of Connecticut.

THANKING GEORGE NEWMAN FOR HIS SUPPORT OF THE WWII MEMORIAL

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. ROUKEMA. Mr. Speaker, I thank one of my constituents, George Newman of Oradell, New Jersey, for his magnanimous generosity in supporting the World War II Memorial being planned for construction in Washington, D.C. Mr. Newman is scheduled to present a check for $250,000 to organizers of the Memorial this Friday. This important memorial will offer our nation's thanks to the thousands of men and women who gave their lives defending freedom and opposing tyranny in the greatest battle of right and wrong we have seen in the past century. Mr. Newman, through the George W. and Amy Newman Foundation, will also contribute $100,000 to the United States Navy Memorial in Washington and $50,000 to the Submarine Memorial Association/U.S.S. Ling in Hackensack, New Jersey. In making these contributions, Mr. Newman will honor the veterans of what newsman Tom Brokaw called ''The Greatest Generation,'' and demonstrate that he, himself, is an excellent example of what made the WWII generation great.

Mr. Newman is an excellent example of the ''self-made man.'' Born in the Hell's Kitchen area of Times Square in New York, he earned money in his youth by running errands for the actors and actresses of the Theater District. He and his friends soon became a small bit of show business themselves, singing in a trio at the 42nd Street Shuttle subway station. One memorable Thanksgiving Day, he and his friends brought in $45 between them, prompting his father to encourage him to continue his subway singing career. He continued bringing in $15 a week throughout his youth, a large sum in those days.

Show business was not to be Mr. Newman's career, however. A job as a sign painter's helper enlightened him to the profit potential of outdoor billboards. He eventually founded Allied Outdoor Advertising Inc., which today is the leading privately owned outdoor advertising business in metropolitan New York. The company's billboards are used by many of the nation's leading major corporations to promote their products in prime advertising locations around the nation's largest city. As Mr. Newman's advertising business grew, he expanded it to take advantage of his subway experience by creating the New York Subways Co. That firm successfully bid for the right to advertise in the city's subway system and elevated train system, placing more than 26,000 advertising signs in stations across the city.

Mr. Newman's business acumen extends to real estate and transportation as well. Seeing the need for a major railroad terminal in the Meadowlands, Mr. Newman 26 years ago founded the Allied Junction Corp. and purchased the property where the new station is now being built. Similar in scale to Grand Central Station in New York, the project includes four 40-story office towers, a hotel and conference center that will create thousands of jobs and countless benefits for the people of New Jersey while at the same time addressing the region's demanding transportation needs. The project is funded in part by a $450 million federal contract secured by former Congressman Robert A. Roe, who headed the House Public Works and Transportation Committee.

The Meadowlands Chamber of Commerce has named Mr. Newman the ''Man of the Year'' and the Hackensack Meadowlands Development Commission has named him ''Businessman of the Year,'' both in recognition of his contributions to the economic vitality of the community.

Mr. Newman has shared his good fortune with the community, contributing millions of dollars to charitable and community organizations in an attempt to assist the less fortunate. He has generously supported the William Carlos Williams Art Center in Rutherford, which named its theater in his honor; Holy Name Hospital, which named its cardiac diagnostic center in his honor, and the Church of St. Gabriel the Archangel medical clinic in Newark. He has also given generously to many local parishes of the Catholic Church and to Catholic schools including Don Bosco Prep High School and Bergen Catholic High School. He has made repeated gifts to the American Red Cross and the Korean War Memorial.

Mr. Newman's contribution this week to the World War II Memorial reflects a long history of military service and support for veterans within his family. His ancestors, who came to this country from England in 1630, fought in the American Revolution, the Civil War, the Spanish-American War and World War I. Mr. Newman himself served in the Navy during World War II.

Mr. Newman is also a dedicated family man, married for 60 years to his wife, Amy. The couple are the parents of two (including their son, George Jr., who died of illness many years ago), and grandparents of five.

Mr. Speaker, I ask my Colleagues in the House of Representatives to join me in thanking Mr. Newman. Once again, his record of achievement in business, his generosity in philanthropy and his willingness to help the less fortunate illustrate how he is a wonderful example of ''The Greatest Generation.''

SPEECH OF GENERAL ERIC SHINSEKI

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SKELTON. Mr. Speaker, on August 11, 2000, General Eric Shinseki addressed the Military Order of the World Wars in Kansas City, Missouri. I submit his speech for the RECORD:

Congressman Skelton—thank you for that generous introduction. It's good to be here with you this evening—thanks also for your service to our nation and the Army as the ranking member of the House Armed Services Committee. Your commitment to the national defense and your passion for the well-being of our men and women is legendary. We are indebted to you. Ladies and gentlemen—please join me in thanking Congressman Ike Skelton for his devotion to the soldiers, civilians, and family members of the Army.

In this room this evening are also some other patriots who have been great supporters of our military and our veterans. Many have served our nation in war; among their numbers are those who have felt the sting of battle. But all have provided our communities the kind of leadership that has made this country what it is today. To the Kansas City Chapter of the Military Order of the World Wars, thank you for your support of our soldiers and veterans.

You know, this country enjoys a unique status in the community of nations. We are a great nation, and we enjoy a vibrant and flourishing economy. No other nation enjoys our unique status in the way that we do today. Americans enjoy these special circumstances, but many do not associate our national strength and our economic health with the readiness and professionalism of our military forces. The fact is, however, that you don't get to be a great power with the world's leading economy without also having a world class military that is respected by our allies and feared by our adversaries. Our military forces enable the great nation status enjoyed by the American people. No one understands or appreciates the importance of that link better than those who have defended this wonderful country of ours in war or those who have the responsibility of assuring the readiness of its military capabilities on a daily basis. The Military Order of the World Wars understands that linkage. Congressman Skelton understands that linkage. Both have worked to help us stay connected to the American people. They have helped us fill our ranks with the kind of youngsters who have kept our Army a force for good and an instrument of national policy. Again, we are grateful for all that you do on our behalf.

Also present in the room this evening are a very special group of international fellows. They are students at Fort Leavenworth who will spend the next year at the Command and General Staff College studying with, about, and for us. Since World War I, all of the wars we have fought and most of our significant operational deployments have seen Americans serving side-by-side with soldiers from allied nations. We will never again fight on our own. Coalition and multinational operations are a fact of life. Many of the uniforms on display this evening are the ones who have shared space on distant battlefields with us. We are honored to have so many allied officers and their spouses here this evening. We know the keenness of the selection process that went on in each of your countries, we are honored to have you join us in residence at Fort Leavenworth. You add to the education of our officers.

Buffalo wings.

There is a lot of excitement in and about our Army today. Many of you know that we have set a course to transform this great and magnificent army of ours from its current cold war designs to a force that is more responsive, more deployable, more versatile, more agile, more lethal, more survivable, and more sustainable force for the future crises of the 21st century. Last fall as we were about to walk from 1999 into 2000 through the door of a new century and the new millennium, I went back to the turn of the last century to try to understand what the last Chief and the last Secretary to do so were thinking; what were their concerns; what decisions did they put in place to prepare their Army for all of its responsibilities in the 20th century.

Secretary of War Elihu Root and General Nelson Miles recognized that the Army was standing not just on the threshold of a new century, but at the entrance to a new world. The war with Spain the year before had been just the second overseas deployment of the Army in history, and the first in over 50 years. The Army of 1899 was scattered from Cuba to Puerto Rico to the Philippines. The operating tempo was high, with soldiers maintaining peace, rebuilding nations, handling refugees, even helping with disaster relief after a hurricane. The Army was overseas and that looked like the wave of the future.

So, 1899 was a pivotal time. The wars in the West were won. The purpose of the Army seemed to be changing, but in what direction? The Army had shown real growing pains when it had mobilized for war. In addition, technology was changing fast. The Army needed to rethink the future of warfare quickly.

Root recognized that the Army had to grow and change as the strategic environment of his times demanded. He tried to envision what the twentieth-century Army should become. Could he foresee a world in which nuclear superpowers threatened each other and the rest of the earth with Armageddon? Could he predict a decade-long depression? Did he know that within the 50 years the world would twice be plunged into global wars, wars unprecedented in scale and scope in all the previous history of mankind? Certainly, the answer to all these questions is no. Root foresaw none of these things. As best we can tell from documents and their writings, neither of them saw the First World War and it was only 15 years away. But with insight and courage and deliberation, they developed a vision for what the Army needed to become, given the strategic and technological realities they faced at the time. They took risks and made preparations that proved to be effective—and timeless.

Root began with fundamentals. He presented two principles that are as true today as when he wrote them 100 years ago:

''First. That the real object of having an army is to provide for war.

''Second. That the regular establishment in the United States will probably never be by itself the whole machine with which any war will be fought.''

Root was reaching back toward concepts that were almost as old as the nation itself. First, being ready for war means having an army, and there's no reason to have an army that is not ready for war. The Army might be called upon to do many things, but its first purpose was warfighting. And the Army would never fight alone. Root knew that the Army would need to rely on the Navy for transport, logistics, and gunfire. It would also fight with volunteers and citizen soldiers.

Those first principles were right on the mark. And they have served as a foundation upon which Root and Miles and their successors built the twentieth-century Army. Root consolidated the professional gains that the Army had made through the establishment of the Army War College and the restructuring of the Army headquarters into a modern general staff. He brought to fruition the idea that military leadership was a calling, and one that demanded rigorous education and training. The officer corps that flourished under this system became the leaders who produced our victories in two world wars—wars unimaginable in 1899. The Army of the twentieth century, the nation whose freedom it guaranteed, owed a great deal to Elihu Root's vision preparation for the future.

As we stood on the cusp of the new millennium 10 months ago, we saw a situation remarkably similar to the one that Root and Miles faced 100 years ago. The world has changed dramatically. The cold war was a historic anomaly. We maintained relatively robust forces for 50 years because of the danger of superpower conflict. That very preparedness deterred a war too terrible to contemplate, but one that we stood trained and ready to fight for half a century.

Since 1989 we have reduced the size of the Army by 32 percent, but our operating tempo is higher than at anytime in several decades. The recent mission in Kosovo brings to 35 the number of operational mission deployments the Army has made since the end of the cold war. The world is a far less stable place than it used to be.

Moreover, the world is a far different place than it was 10 years ago. In a word, it is ''wired.'' The information revolution has placed a computer on every desk. We are all cyber-connected to each other and everything imaginable around the world. We are renegotiating zones of privacy and business practices and property protections and the very idea of what a nation-state is. Many of the advertisements we see on television are for products that did not exist 15 years ago. It is impossible to predict with assurance what the world will look like in 5 or 10 or 25 years. But we know that it will continue to change and that the pace of change will continue to accelerate.

We must prepare to fight our future wars. We must also be ready for the next crisis. We must be able to respond to missions throughout the spectrum of operations, from the low end of disaster relief to the high end of major war. We need to take advantage of emerging technologies to counter emerging threats. And we can't make it up as we go along—we need a plan.

And so it is that last October, the Army charted its course for transforming itself into a force more capable than the magnificent force we field today. We intend that it will be a force capable of handling the full array of missions that we have been called upon to do in the last 10 years—in many ways, we have described the 1990's as the first 10 years of the 21st century in terms of the kinds of missions we see for ourselves in the years ahead. But what we will not lose sight of is what Elihu Root concluded 100 years ago—our non-negotiable contract with the American people is to be trained and ready to fight and win the nation's wars.

This we will do—and just as Root and Miles could not see all the technological advances that were going to present themselves as opportunities in the 20th century, we cannot today settle on the technologies that will go into the design of the hardware that will describe the objective force we are trying to design for the 21st century. But what Root and Miles were able to do was to position their army for all The unseen opportunities that were to lay ahead by putting into place the system for training soldiers and developing leaders who were going to have to make those decisions when the time was ripe. And so it is with our responsibilities today. Much has been written over the past 10 months about the technologies that the Army will need to transform itself. The debate about combat platforms has turned hot and in some cases mean-spirited as the competition for inclusion has become intense. I have even received the concerns of allied armies about the fear of an ever-expanding technological gap between the American army and those of our closest allies. I think the lessons of Root and Miles are important—-their conclusions are as important today as they were then. It isn't about technology, although technology is important; it isn't about platforms, although combat platforms is important. It is about leadership and character and doctrine. It is about the preparation of the Army to be ready to fight each and every day with the technologies it has available, and it is about the development of visionary, courageous leaders who have the skill and determination to leverage the technologies as they become apparent and embed them into the formations that will fight them. Focus on warfighting; develop the leaders for the next conflict. If you do that well, those leaders will be able to get the right technologies into place in time. But without that kind of leadership or without warfighting formations which have been disciplined to execute one's warfighting doctrine, all the technology in the world will make no difference. Warfighting is ultimately a human dimension in which the most dedicated, disciplined, and best trained will prevail.

It is about leadership and in this Army, we consider it our stock in trade. To our allied officers, your attendance at Leavenworth is important for us—-for the American officers attending the course and for our force as a whole. You give our officers other perspectives on our common challenges. Our differences in culture, language, nationality, and geography give us each our different outlooks on military operations. We must understand and appreciate the importance of interoperability—-but not just technical and tactical interoperability but interoperability of the mind. The lessons you learn in professional give-and-takes with your fellow officers, inside the classroom and at the officers' club, will be among the most important that you take away from this course.

Equally important will be the professional associations you make with your fellow students. The future battlefields will be joint and multinational and you will find yourselves serving with the officers you are studying with this year—-just as I have experienced. I can tell you that as commander of the stabilization force in Bosnia, the relationships that I had developed with my counterparts in years past, whether in operational assignments, or in the Command and

General Staff College or the National War College, helped us to bridge the gaps. Personal relationships and a common professional understanding turned those differences into strengths.

We, in this country, have put tremendous effort into our professional education systems. The pay-off for that investment has been a consistently high quality of officer leadership. I would also tell you that our noncommissioned officer education system is equally the finest in the world and it has produced the very finest NCO Corps in the history of our army.

In the gulf war, one of the take away lessons was that our technological and materiel superiority made us successful. Those who fought the war would give you a slightly broader lesson. As one division commander proclaimed, we could have traded equipment with the Iraqis and still beat them in 100 hours. That may sound like vain boasting, but his point was that our professional education system and the professionalism of our soldiers and their leaders were the foundations of our warfighting prowess—not technology.

That has always been true. In the Army we do two things every day—we train soldiers and we grow them into leaders. Some of that work happens in our operational units. Some of it happens in quiet moments when our officers and soldiers can read about their profession, its history, its methods, and its doctrine. But the foundation of it all resides in our professional schools.

I'm glad that you have all come to study with us. I appreciate the value that you bring to our professional education system. I thank you for breaking bread with us tonight. And though I don't look forward to our joining ranks on a future battlefield, I do look forward to the trust and confidence that we will build together as professional soldiers.

Thank you and God bless you.

TRIBUTE TO FRANCIS CARROLL OF WORCESTER, MASSACHUSETTS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. McGOVERN. Mr. Speaker, I rise today to recognize the work of Francis R. Carroll of Worcester, Massachusetts. A veteran of the United States Navy, for over 32 years Mr. Carroll has worked as a staunch advocate for small businesses in developing and administrating health insurance products, programs, and benefits, as well as donating his time in extensive public and community service.

Throughout his life, Mr. Carroll has assisted others through his professional career and charitable activities. His professional career includes currently serving as the CEO and Chairman of the Small Business Service Bureau, Inc. (SBSB), a nationwide organization with over 50,000 small businesses and self-employed members. Formerly, he was the president of the SBSB China Trade Group, which led small business trade delegations and conducted studies of the public health systems of the People's Republic of China and the People's Republic of Vietnam.

In addition, Mr. Carroll has been a presidential appointee to the National Advisory Council, U.S. Small Business Administration and the U.S. State Department Trade Development Agency. He was also a founding member of the Democratic National Committee, Small Business Council and a delegate to the White House Conference on Small Business, appointed by Massachusetts Governor Edward J. King and U.S. Senator JOHN KERRY. In 1984, Mr. Carroll was one of 25 chosen from the United States as an Official Observer of the El Salvador run-off election.

Most recently Mr. Carroll demonstrated his commitment to the community as the General Chairman of the Korean War Memorial Committee of Central Massachusetts which sponsored the 50th Anniversary Korean War Spectacular Salute to Our Korean War Heroes at Mechanics Hall in Worcester, Massachusetts. Other causes Mr. Carroll has given hours of service to include the Ireland/Worcester Heart Research Program, the McAuley-Nazareth Home for Boys in Massachusetts and the Living Memorial Hospital in Lien Hiep, Vietnam. He was formerly a member and commander of the Vernon Hill Post 435, American Legion.

For his service, Mr. Carroll has been awarded with the Leo Z. Gordon Humanitarian Award, the American Legion Citizen of the Year Award, and the Cathy Donahue Service Award. He was also an honoree at the Year 2000 Worcester State College Annual Scholarship Tea.

Mr. Speaker, I ask my colleagues in the House of Representatives to join me in honoring Francis Carroll for his work and service in the Worcester community. He has shown unwavering commitment to the community and deserves our recognition and praise. I wish him the best of luck in all of his future endeavors.

HONORING RAYMOND C. BURTON

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. OBERSTAR. Mr. Speaker, I am very pleased to honor today Mr. Raymond C. Burton, who will retire at the end of this year, bringing to a close a distinguished career in railroading that has spanned three decades.

When Ray began working for the old Santa Fe Railway in 1963, he could not have foreseen the profound changes coming to the railroad industry. Particularly since 1982, however, when he was elected president and Chief Executive Officer of TTX Company, Ray Burton has been on the cutting edge of those changes.

Under Ray's leadership, TTX has led the way in innovation, design, and deployment of the equipment needed to construct today's modern, intermodal transport network. It was this exceptional leadership that twice earned him the Railway Age ''Railroader of the Year'' award—making him one of just three individuals to be so honored.

This past July, Ray Burton was promoted to the post of Chairman and CEO of TTX, a fitting reward for a man who has led his company—and his industry—into the 21st Century well equipped to meet the challenges ahead. Ray will be missed when he retires, but the seeds he planted will continue to bear fruit for many more years to come.

CELEBRATE INDIA'S 53RD YEAR OF INDEPENDENCE

HON. LUIS V. GUTIERREZ

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GUTIERREZ. Mr. Speaker, it is a great privilege for me to pay tribute to the Chicago's Federation of Indian Associations for its invaluable work honoring India on the occasion of the 53rd anniversary of India's independence.

The Federation is enriched by the diversity of member organizations who have found a common mission in promoting the Indian community and honoring India. The Federation is strongly committed to serving the Indian community and works tirelessly to meet this goal.

To celebrate the special occasion of India's 53rd year of independence, the Federation will host more than twenty-five thousand visitors from Indiana, Michigan, Iowa and Wisconsin to witness a spectacular parade carefully planned to showcase India's rich cultural heritage. The India Independence Day Parade will be celebrated on Saturday, August 19th. The parade will feature colorful floats each representing various states of India. The parade will honor India's rich heritage, including its music, costumes, fashion and dance. The Federation will also host a Millennium Banquet and Cultural Program on Friday, August 18th to celebrate this special occasion.

I congratulate and recognize Chicago's Federation of Indian Associations for their commitment, dedication and service to the Indian Community.

NATIONAL ASSISTED LIVING WEEK—SEPTEMBER 10–16, 2000

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. PASCRELL. Mr. Speaker, the face of aging has changed dramatically. Americans are living longer, more active lives. Involvement in independent activities such as work, hobbies, and social life can add quality—and years—to a senior's life Yet, while independence and control over their lives is as important to seniors as their physical and mental health, many people avoid planning for senior housing until a pending crisis, putting their own freedom of choice at risk and straining family relationships. Just as people have learned to plan ahead for their financial retirement, it should become commonplace to plan for long-term housing and care.

In recognition of National Assisted Living Week, September 10–16, please join me in inviting all seniors to take the time now to talk openly with their families about their senior housing options and preferences, just in case supportive housing ever becomes necessary for them.

We all value the right to live in our own homes as long as possible and to make our own decisions. Americans must plan ahead in order to protect their preferences and maximize their lifestyle options later. There is a rich variety of senior housing and care options to choose from, so it's important to become fully educated.

One of these options, assisted living, has become a cornerstone for senior care. An assisted living residence is a special combination of housing, personalized supportive services and health care designed to meet the needs—both scheduled and unscheduled—of those who require help with activities of daily living.

I urge all Americans to learn more about assisted living and how seniors can age in a loving home-like environment with dignity and independence.

CONSUMER ACCESS TO A RESPONSIBLE ACCOUNTING OF TRADE ACT

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HALL of Ohio. Mr. Speaker, I rise today to introduce the Consumer Access to a Responsible Accounting of Trade Act of 2000.

This bill aims to sever the funding link that has enabled the murderous rebels in Sierra Leone and Angola to wage their wars against civilians; that has helped bring a thug to power in Liberia; and that is sustaining eight nations fighting in the Democratic Republic of Congo.

This has been a top priority for a coalition of 70 human rights organizations, led by Physicians for Human Rights, and it has become an urgent matter for the diamond industry, whose tokens of love face being exposed as symbols of butchery.

The industry and activists both support a plan to block diamonds mined in conflict zones from entering the legitimate diamond trade. Many details remain to be ironed out, but the industry is working on that. Unfortunately, they are running into intransigence from some segments of the industry and some nations. Because of the nature of the system they have devised, substantial participation is necessary to make it work.

My bill aims to support the industry's efforts and expresses the Sense of the Congress that some effective system of preventing smuggled diamonds from being traded as blood-free ones is urgently needed and directing the Administration to make this a higher priority. The bill also encourages technology that will find a more traditional approach to this problem. Finally, it implements embargoes imposed by the United Nations and takes steps to make them more effective.

Mr. Speaker, we owe passage of this bill to innocent Africans—both those caught in the wars over diamonds, and those who depend on the legitimate trade in South Africa, Botswana, and Namibia and will be hurt by a consumer backlash against the blood trade.

But we also owe it to Americans to pass this bill.

American consumers play a significant role in the diamond trade, because they buy 65 percent of all diamonds. They clearly have no intention of supporting brutal wars—after all, their intention is to buy tokens of love and commitment—but that is precisely what they are doing.

American taxpayers also deserve better: they have funded more than $3 billion in humanitarian relief to the people of these four nations who are caught up in war—at the same time rebels there have earned $10 billion to pay for weapons and material to keep the same wars going.

The CARAT Act aims to empower Americans to lend their consumer might to efforts to bring peace to Sierra Leone, Angola, Liberia, and the Democratic Republic of Congo. It is measured and responsible legislation that deserves immediate action by the 106th Congress, and I urge our colleagues to support it.

AMERICAN SERB HALL, THE FIRST 50 YEARS

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KLECZKA. Mr. Speaker, I wish to join in the tribute to a true southside Milwaukee landmark, the American Serb Memorial Hall, as the community celebrates the hall's 50th birthday this month.

Located at South 51st Street and West Oklahoma Avenue, on Milwaukee's southside, Serb Hall, as it's commonly known, has been a fixture in the city for the last half century for wedding receptions, banquets, lunches and dinners, political rallies and yes, even bowling leagues. When constructed in 1950, Serb Hall was by far the most complete and modem facility of its kind on the south and southwest side of Milwaukee. The hall was expanded in 1987 to accommodate increasing business and renovated in 1999.

The hall was originally dedicated on September 1, 1950 to honor the local members of the Serbian orthodox faith who served in the American armed forces. 15 of those young men lost their lives in defense of our nation. They are honored today in a full-wall memorial in the lobby of Serb Hall. I was honored to attend the very moving dedication ceremony for that memorial.

Any mention of Serb Hall is not complete without focusing on two very traditional events—the Friday fish fry and visits by political dignitaries. The first fish fry was held at Serb Hall in 1967 and the lunches and dinners continue to this day supplemented by a drive-through window and carry-out service. The line of cars in the drive-through oftentimes circles the parking lot and can even extend into the street during the Lenten season.

Without a doubt, many individuals seeking major political office realize the historical and cultural significance of holding a rally at Serb Hall. From Milwaukee mayors, police chiefs, US congressmen and Wisconsin Governors to United States Presidents Eisenhower, Kennedy, Johnson, Nixon, Ford, Reagan, Bush and Clinton, all have spoken at Serb Hall either as elected officials or candidates.

It is my pleasure to wish the Milwaukee Serbian community all the best as you celebrate 50 years of Serb Hall success. Best wishes for the next 50 and well beyond.

ACKNOWLEDGING LIFETIME OF PUBLIC SERVICE BY MR. EDWIN BEARSS

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MORAN of Virginia. Mr. Speaker, I rise today to honor Mr. Edwin Bearss, a constituent of Virginia's Eighth District, who has recently retired after an impressive forty year career with the National Park Service and distinguished service in our nation's military.

Since the birth of our nation, Virginia has been a cornerstone in American history, especially during the Civil War. The majority of the Civil War's significant engagements occurred on battlefields in Virginia. Ed Bearss illuminated the valuable, living history found on the Civil War battlefields of Virginia and elsewhere in our country. Those who have been privileged to hear Mr. Bearss recount the vivid history of our nation's Civil War consider him a national treasure.

Ed Bearss began his service to our country during World War II as a Marine fighting in the Pacific. After recovering from wounds he suffered during battle in New Guinea, he took advantage of the G.I. Bill and received a degree from Georgetown University, as well as a masters degree in history from Indiana University.

In 1955, Mr. Bearss joined the National Park Service and began to share his knowledge and passion for Civil War history. As a historian at Vicksburg, Mr. Bearss' research led to the discovery of the lost ironclad Cairo and two forgotten Civil War forts. His desire for others to live history by touring battlefields inspired him to preserve the Manassas battlefields from the threat of shopping malls and two different amusement parks.

Mr. Bearss set a new standard in historical research with his diligence and attention to detail. He has shared his research by writing ten books and over a hundred articles. His excellence as the chief historian of our nation's federal parks earned him the Department of the Interior's highest recognition, the Distinguished Service Award.

To many, Ed Bearss' grandest accomplishment was his ability to bring a Civil War battlefield to life. He would dredge facts and stories from his immense store of knowledge and transport listeners back in time to when the actual battles took place. The energy with which Mr. Bearss gave his tours excited others to develop a passion for history. Mr. Bearss' work has helped many people realize the importance of preserving our nation's battlefields and the gravity of the battles fought at those sites. Fortunately for us and future generations, Mr. Bearss' historical gifts have been preserved by filmmaker Ken Burns, who included a number of Mr. Bearss' battlefield narrations in the award-winning PBS series, ''The Civil War.''

Mr. Speaker and my fellow colleagues, I invite you to join me in honoring a man who has devoted his life to serving his country. Mr. Edwin Bears should be praised for the passion he brought to the history of our country and the ways he shared that passion. His legacy as an historian and his valuable contribution to the preservation of Civil War history are a tremendous gift to our nation that will last

through time. Thank you, Ed Bearss, for sharing your talents with us for so many years. We wish you much happiness in your retirement and hope you will continue to enrich us with your vast knowledge and appreciation of our nation's history.

TRIBUTE TO RUBIN HILL, JIM WHITE AND MARIA DOLORES ANDRADE

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BACA. Mr. Speaker, I would like to recognize three outstanding individuals who have made significant contributions to educational opportunities for Latino children in California. They will be honored this month by Adelante and the California Migrant Leadership Council: Rubin Hill, Jim White, and Maria Dolores Andrade.

These outstanding individuals deserve our thanks for their selfless work on behalf of the poor and the disadvantaged. They truly embody the spirit of Cesar Chavez, who taught us that we can realize our dreams and hopes through hard struggles, hard work, and dedication. Anything is possible, if we set our heart and soul to the cause. We should never forget the words of Cesar Chavez: ''si se puede,'' yes we can.

These three hard working and dedicated individuals have given so much for their community and the world at large.

RUBIN HILL

Rubin Hill has been a community leader in working with the youth of Kern and Tulare Counties as well as a coach for more than 35 years.

Rubin is a product of Delano. He attended and graduated from Delano Elementary and Delano High School. He attended and graduated from Bakersfield College in 1975. Ruby is married to Lorene Hill and with her help has raised five children, Donald, Sharon, Sandra, Ruben Jr. and Shalene. He has 12 grandchildren.

Ruben worked for ten years for the City of Delano in the Refuse, Street, Water and Parks Department. Then he transferred to the Delano Fire Department, where he became a Fireman, Engineer, Captain and finally Assistant Chief. When the Delano Fire Department was transferred to Kern County, Ruby became a Captain and Fire Marshall with that department, finally retiring to spend more time with his community service.

Ruby's community service includes Delano High School Trustee for four terms, Local P.T.A. Lifetime member including several terms as president. Ruby has served as N.A.A.C.P. President, Jr. Chamber of Commerce President, member of the Kiwanis Club, Community Action Group, Title I Advisory Board for Delano High School, Bakersfield College Advisory Board, North Kern State Prison Advisory Board, Delano Little League Board (10 years), Delano Babe Ruth Board (coach, president and member for 15 years), Almond Tree Elementary Lions Football team Board Member, Coach of McFarland Raiders Youth Football team, Leader, Supervisor, and Coach for Delano Recreation Department for 35 years. Ruby is also a member of the State Fireman Association, the Kings—Tulare County Referee Association and has been a referee and umpire for 25 years.

At age 60, Ruby has served the youth of the area all of his life, and he serves as an example for the entire community.

JIM WHITE

Jim White is a teacher in the McFarland Public Schools, one of the poorest communities in California. His leadership as a coach has resulted in turning around the lives of many youth and has brought pride to those youth, their parents, their school and their community.

Jim is a man who has contributed time, energy, sweat, and his own funds to turn the McFarland High School cross country program into a state power and maybe the most highly prized accomplishment of the community of McFarland in its history. Coach Jim White has been a magician in coaching in many ways.

His leadership as Cougar cross country coach has resulted in turning around the lives of many youth and has brought pride to those youth, their parents, their school and their community. The Cougar teams have won an unprecedented seven-state titles in cross-country competition in the past 13 years, including five consecutive. McFarland's first state crown in 1986 was followed by five straight—in 1992, 1993, 1994, 1995 and 1996. Then when McFarland was moved up an enrollment classification though it was near the bottom of the division in total students, the Cougars struggled against schools with more athletes to draw from, but again in 1999 the Cougars reached the top.

White has become everything from coach to counselor to inspiration to fund raiser for a team which has caught the fancy of running fans state and nationwide for overcoming many obstacles. Most of the runners spend long days working in the summer and then begin the evening practices through area fields that develop the runners who have made McFarland High the envy of other cross country programs.

Many students struggle with their education and language, but White and his ever-growing legions of Cougar boosters Join to help solve the problems. He and wife Cheryl pitch in to help with food, shoes, whatever is needed. He counsels runners to aim for higher goals—both in running and in life. Many of his running ''graduates'' have gone on to college and occupations in a variety of professions—many of them in education. They return often to lend encouragement to a new crop of runners who face the challenge White offers—to again focus on winning another state title. His teams have won 18 league titles in 20 years, frosh-soph league titles all 20 years, 12 section or valley titles, five Grand Masters championships—meaning all-valley—and the seven state titles. His team has been ranked No. 21 in the nation in preseason. He was the Bakersfield California's ''Coach of the Year'' nine times, California Track and Field News ''Coach of the Year'' five times, and the California Coaches Alliance ''Coach of the Year'' four times. He was a finalist in 1996 for National Coach of the year.

Born in Sweetwater, Texas, May 14, 1941, he lived briefly in Albuquerque, New Mexico, before being raised in Stockton. He played baseball and basketball growing up and in college played basketball and pitched baseball. At Magic Valley Christian College in Idaho he met and married Cheryl Waldrum in 1961. In 1964 he graduated from Pepperdine University and moved to McFarland for his first teaching position. His first teaching assignment, for nine years, was instructing fifth grade science. He then taught seventh and eighth grade woodshop and PE for 11 years and presently he instructs seventh and eighth grade PE at McFarland Middle School and coaches the high school program. The cross-country program was dropped for a year before he took over, and White was told that the program could be started if he could keep 10 athletes out for the season. He kept 18 and built the program to three boys' teams and two girls' teams.

Probably the greatest reward and compliment he could receive is to have many of his former students and athletes join him in assisting with the cross-country program. The list has included Amador Ayon, Thomas Valles, Ruben Ozuna, David Diaz, and Johnny Saminiego.

Although White has never been a runner himself—he rides a bicycle following the team through its country workouts—he started coaching a Little League baseball team and won several championships during his early days in McFarland, worked many years for the McFarland recreation department in its summer programs, and also coached winning basketball teams. He started the McFarland Pop Warner football team.

White has traveled with the coaching staff of International Sports Exchange, a group that tries to give athletes a chance to experience cultural sights, sports and fiends. He has taken teams to Singapore, Taiwan, Germany and China.

To raise funds to help promote a sport or buy team supplies, he has been seen in his old faithful '59 Chevy pickup gathering pop bottles and newspapers, going door to door, and raising funds through raffles, pizza sales, car washes, and an annual barbecue.

He has been the grand marshal for the McFarland Christmas parade and he and his team have been featured in many newspapers including the Los Angeles Times telling the story of McFarland's rise to the top and dynasty built in cross-country. Most importantly, he has become a father image to many students and athletes who have journeyed through McFarland High. This Clint Eastwood look alike is now coaching the ''kids of the kids'' he had when he started. White tries to live by example.

The Whites have three grown daughters, Tami, Julie and Jamie, all of who attended and graduated from McFarland High School and Lubbock College in Texas with degrees in education. He is called ''grandpa'' by seven grandkids—five boys and two girls.

In January, wearing a sweatshirt emblazoned with ''McFarland Cross Country—it's all in the attitude,'' two van loads of cross country runners and White were off to Sacramento where they were recognized by the state.

The latest article heralding the McFarland High cross country team is a feature story in The People's Magazine in Espanol in the May 2000 issue.

White, a ''youngish'' 58, has worked in McFarland schools for 36 years and has dedicated much of his career in coaching McFarland cross-country teams. His coaching duties ''stretch'' to being involved in all aspects of the boys' lives, visiting them at home, driving them to practice, getting tutoring if they need help in school and counseling them in relationship issues.

White will some day leave a legacy that few coaches or men can ever claim—a winning tradition and numerous proteges who have set their sights on greater goals and succeeded in attaining them.

MARIA DOLORES ANDRADE

Maria Dolores Andrade, while living a life of poverty and selfless devotion, has raised a family of seven children, through her work in the fields. She was able to provide education for all of her children, with the three youngest graduating from college. Through her work and sacrifice, the family has created a successful family business which is the pride of the community.

Maria was born in 1935 in Noroto, a very small village, in Michoacan, Mexico. She was the 9th child in a family of 11. As a child her family moved to the town of Tangancicuaro, Michoacan in search of a better life. Because her family was very poor, Maria was forced to work at a very young age and therefore dropped out of school at the age of 8. Through most of her childhood as well as her teen-age years, Maria faced a very harsh life of poverty and hard work. At the age of 16 her mother died leaving all 11 children orphaned.

At the age of 22 Maria married Carlos Andrade. Soon thereafter she became the proud mother of her first son Jorge. Eleven months later she gave birth to Lupita, and eleven months after that she gave birth to her third child Luz Del Carmen. Her life of poverty continued so her husband Carlos immigrated to the United States to work as a migrant farm worker. For the next 17 years Maria would only see her husband one month out of the year when he would return to Michoacan to visit. In the meantime Maria had to raise her children all alone who now included Carlos, Francisco, Guillermo, and Rosa Adriana.

In 1974 Maria and her three oldest children joined her husband Carlos in the United States. She was forced to leave four of her children behind until she had enough money to apply for their permanent residency. In 1976 the entire family reunited and now had a permanent home in the city of Delano.

A year later, her husband Carlos abandoned the family. Maria was devastated. Once again she became a single parent to her 7 children. She was now alone in a strange country, with a new language, and different customs, which made her even more determined to succeed. Although she believed strongly in providing the highest education possible for her children, she was forced to take her three oldest children out of school and take them to work in the fields in order to make ends meet. This enabled the rest of the children to focus on their studies. The family struggled for many years. This created an unbreakable bond and unity in the family. Maria's children grew up and eventually married. Three of the youngest graduated from college. One became a computer programmer and the other two teachers. The rest of her children continued to work in the fields. Although the children had created a life for themselves the family bond which Maria created was so strong that they all remained in Delano living close to her and each other.

Because the family had such a strong bond together they decided to open up a business so that Maria would no longer have to work in the fields. In 1990 the family opened Carniceria Janitzio in McFarland and in 1996 opened Carniceria Janitzio and Janitzio Restaurant in Delano. This fulfilled Maria's lifelong dream of owning her own business.

The family's bond and unity is as strong as ever. Maria is currently the proud grandmother of 17 grandchildren and 1 great granddaughter. This has all been possible because of all the hard work, dedication, perseverance, positive attitude, and above all love that Maria has given to her children.

TRIBUTE TO DORIS KEATING

HON. JOHN JOSEPH MOAKLEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MOAKLEY. Mr. Speaker, this afternoon I wish to remember my very dear friend, Doris Keating.

Mr. Speaker I wish not so much to say goodbye to a long-time and very dear friend, but to celebrate the life of one of the most wonderful people I've had the pleasure to know.

And I know—as sure as I'm standing here—I know that Doris Keating is looking down upon her family and friends—right now—with that warm and wonderful smile she had for everyone she ever met.

Never one to dwell on sadness—anytime you were feeling down her advice was always the same, " Hey there", she'd say, "pull up your boot straps! Don't sweat the small stuff! Get out there and move along!"—And that would be her advice to all of us who miss her.

Doris loved South Boston and she loved this the Gate of Heaven Parish where family and friends gathered to comfort one another as Doris passed.

She was born in South Boston. She was Baptized at Gate of Heaven, was Confirmed there, Married there, and true to form—Doris was holding Court there on the day we all said goodbye.

She never missed the Saint Patrick's Day Parade that winds past there. And I can't remember a single year when as I marched by Doris didn't run out in the street to ambush me and other Politicians with a great big kiss.

I'm convinced, Mr. Speaker, that the only ones that didn't get that kiss from Doris were the Clydesdales.

Every St. Patrick's Day, as I drive past Molly and Wacko Hurley's and as I drive past the Gate of Heaven, I'll think of her.

I'll think of Doris and her famous Open House Parties where everyone was always welcome.

I'll think of the washing machine and bathtub filled with beer. And I'll think of the laughs we shared.

Actually, as I watched the *Constitution* sail into Boston Harbor last July, I was reminded of one of Doris' favorite yarns.

It seems Doris and the family were out on Dan Sullivan's trawler one beautiful Fourth of July Morning. They were passing by Castle Island trying to get the best vantage point for the cannon salute from Old Ironsides.

Doris decided that was the time to visit the ladies room.

As luck would have it, the propeller of Dan's boat got caught up in a line, just as the *Constitution* was passing by. And there was poor Doris—firmly situated in the ladies room—when the cannons of the U.S.S. *Constitution* began firing across the bow of Dan Sullivan's boat.

Deafened by the concussion, and covered with soot from the gun powder, looking like a coal miner just finishing the midnight shift, Doris managed to compose herself, exit the ladies room fully coiffed, with the presence of mind to sweep up the soot from the deck, which she always kept on her mantle so she could tell that story over and over.

Doris was never at a loss for a laugh.

But as happy go lucky as Doris was, she was also fiercely loyal to those she loved—her family most of all.

A close second—anyone who knew our friend Doris would tell you—were Sammy and Boots, the two cats to whom the Grand Darm of South Boston dedicated her life.

The family, I understand is convinced that Doris put the cats out, only so that she could torment herself trying to call them back in before Midnight.

There was no limit to Doris' loyalty, and there was nothing she wouldn't do for a friend.

One of those great human beings who never fail to give—whether they've got it or not—Doris personified the old adage. And that was to live for the people upstairs, downstairs, and over the back fence.

More than almost anyone I know, Doris lived that sentiment every single day of her life.

Doris worked in my office ever since my days in the Boston City Council, and one of my strongest supporters ever since I ran for State Representative in 1950. But most importantly, Doris was one of my dearest, most trusted and loyal friends. And there was nothing she couldn't do.

Doris could write a recommendation that could get Attilla the Hun a Merit Badge from the Eagle Scouts. And I know four guys who will tell you that without Doris Keating, they probably never would have made it through law school.

But I'll let them say who they are.

And anyone who knew Doris would tell you, the same loyalty and tough love Doris showed her family and friends was not at all lost on the great sports teams of Boston.

Doris was two when the Red Sox won the World Series, and she waited patiently and enthusiastically for 82 years for the magic to happen again.

Her extended family included Doug Flutie, and Danny Ainge, Drew Bledsoe, and her newest adoptee, Nomar.

And whether she was sitting at home knitting an Irish Afghan, or at one of her old haunts back in the old days, either Zito's, Pie Alley, or the Other Place, Doris was an overtly loyal fan.

And on more than one occasion, either her husband, Red, or one of the boys would have to smooth things over as a result of her loud enthusiasm.

Actually, the first time Red brought Doris to a Bruins game it was to see the Montreal Canadians play at the Boston Garden.

She got so caught up in Fernie Flamin's breakaway, that she nearly beat the poor guy in front of her to death with her program. Needless to say, Red stepped up and straightened things out.

Not that it was necessary. To hear her kids tell it, Doris was lethal with footwear, and could take down any man from fifty yards with one of her slippers.

Doris never, ever lost the spirit that made her so loved by everyone who knew her.

Not all that long ago, during a particularly tough time, Doris was laid up with Spinal Menengitis, and was actually in a catatonic state, when, during the Buffalo Bills/Patriots Play-Off game—Buffalo's coach put Rob Johnson in the game instead of her man, Doug Flutie, Doris snapped out of it, screaming "Oh, for God's sake, why in God's name didn't they put in Flutie!!"

And you know—Doris was right.

That's my friend, Doris.

In the toughest of times, there was never any complaining, but there was humor. She was tough when she got mad, but Doris never, ever held a grudge.

Her children will tell you, once the slipper was thrown, that was it. It was over.

And if one of the kids were angry leaving for school in the morning, Doris would always call them back to say the same thing—"Up, Up!!

Come back here and give me a kiss. You never know if I'm gonna be here when you get back.''

Well, Doris left us all in friendship, in love, and in peace.

She'll be missed, and she was a blessing to all who knew her.

And as the Irish Blessing goes, ''Until we meet again, my old friend, may God hold you in the palm of his hand.''

TRIBUTE TO FAIRHOPE MAYOR JIM NIX

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CALLAHAN. Mr. Speaker, I rise today to pay tribute to a fine gentleman, an outstanding public servant and a friend for more years than I can count, Mayor James P. Nix, of the city of Fairhope, Alabama.

As many of my colleagues know, Fairhope is one of the best-kept secrets in America. Situated along scenic Mobile Bay, Fairhope has a captivating charm and beauty that few communities—anywhere—can rival.

Moreover, because of the outstanding leadership provided by Mayor Nix over the past 30-plus years, Fairhope is one of the best managed cities in the entire United States.

This month, Jim's tenure as Mayor comes to an end. Despite pleas from hundreds of townspeople, he decided to not seek reelection in the recent municipal elections. For the first time in more than 32 years, Jim Nix's name was not on the ballot.

However, if anyone has deserved a rest from the call of duty, it is Mayor Nix. First elected to a 4-year term on the city council, Mayor Nix has presided over what is, without question, the 28 most prosperous years in the history of Fairhope.

While it is true that Baldwin County as a whole has experienced a tremendous amount of growth during the past several decades, Fairhope has certainly been a major part of this change. Under Jim Nix's leadership, Fairhope has become an important part of south Alabama's economic and cultural base. In addition, Fairhope draws tens of thousands of tourists each year to numerous festivals and shows. Quite frankly, this exposure has helped put the national spotlight on Fairhope, earning for it a positive reputation. Fairhope is, without question, a shining example of the best Alabama has to offer.

In addition to his numerous official duties, Mayor Nix has been actively involved in several professional and civic organizations and has served as president of both the Alabama League of Municipalities and the Baldwin County Mayor's Association. He is currently serving on the boards for several area banks and is a trustee for the University of South Alabama.

In the midst of his significant professional and civic involvement, Mayor Nix also found time to be a devoted husband, father and grandfather. Married to the former Anne Delorme Peele, Jim and Anne Nix are the proud parents of three, and the proud grandparents of nine. Speaking of Anne, I would be remiss if I did not salute her as well. She leaves behind a gracious, lasting legacy as a true ambassador for Fairhope in her role as First Lady.

While Mayor Nix has certainly earned his retirement following so many years of dedicated service, he will certainly be missed by the many friends and colleagues he has made during his years in the city government.

On a personal note, while I will no longer have the privilege of working with Jim and Anne professionally, I look forward to the continuation of our friendship in the years to come.

Mr. Speaker, on behalf of the entire First Congressional District, I would like to express my appreciation to Mayor Jim Nix and my congratulations on his retirement.

HONORING BUSINESS TECHNOLOGIES AND SOLUTIONS, INC.

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HOBSON. Mr. Speaker, I rise to recognize the achievements of Business Technologies and Solutions, Inc,'s (BTAS) of Beavercreek, Ohio, which is being honored at the Annual National Minority Enterprise Development Week in Arlington, Virginia.

As Representative of Ohio's 7th Congressional District, I am pleased to recognize Ms. Angela Vlahos, President of Business Technologies and Solutions, as her company receives the award for the Region V Minority Small Business Firm of the Year. BTAS has demonstrated outstanding success since it was established in 1992. Ms. Vlahos' commitment to providing quality business and enterprise solutions has allowed her company to experience rapid growth and enjoy more extensive contract opportunities with public and private companies, including Wright Patterson Air Force Base in Ohio.

BTAS has trademarked its Right Solution Model which provides a framework for consistent delivery of high performance for each individual contract. This dedication to quality now is officially recognized by the U.S. Small Business Administration and the U.S. Department of Commerce's Minority Business Development Agency.

Additionally, I wish to thank BTAS for its participation in our local community. The firm's contributions to the area, including information technology training for students of the Dayton School System and recreational activities for children at St. Joseph's Treatment Center, serve as a positive model for other local companies.

Mr. Speaker, I join the Small Business Administration and the Department of Commerce's Minority Business Development Agency in recognizing the achievements of Ms. Angela Vlahos and Business Technologies and Solutions, Inc.

REMARKS OF KEVIN GOVER, DEPARTMENT OF THE INTERIOR ASSISTANT SECRETARY OF INDIAN AFFAIRS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KILDEE, Mr. Speaker, I rise today to commend Department of the Interior Assistant Secretary of Indian Affairs Kevin Gover for extending a formal apology on behalf of the Bureau of Indian Affairs to Native Americans for the historical treatment by that agency. Mr. Gover recently delivered his remarks at the 175th Anniversary of the Bureau of Indian Affairs.

In his remarks, Mr. Gover recounted the role of the Bureau of Indian Affairs in implementing the policies of the United States. For many years, the policies of the United States were designed to terminate tribal nations and their culture. Mr. Speaker, we share the responsibility for the historical treatment of Native Americans since the Bureau of Indian Affairs bears the responsibility of implementing the laws and policies of Congress.

While we cannot erase the deplorable history of Indian policy in the United States, I want to acknowledge that today the Bureau of Indian Affairs and its 10,000 employees are striving to be advocates for Indian people. I believe that Assistant Secretary Gover's profound and wise remarks will become an important document in the annals of American history. Mr. Speaker, I wish to share Mr. Gover's remarks with my colleagues.

REMARKS OF KEVIN GOVER, ASSISTANT SECRETARY—INDIAN AFFAIRS, DEPARTMENT OF THE INTERIOR AT THE CEREMONY ACKNOWLEDGING THE 175TH ANNIVERSARY OF THE ESTABLISHMENT OF THE BUREAU OF INDIAN AFFAIRS—SEPTEMBER 8, 2000

In March of 1824, President James Monroe established the Office of Indian Affairs in the Department of War. Its mission was to conduct the nation's business with regard to Indian affairs. We have come together today to mark the first 175 years of the institution now known as the Bureau of Indian Affairs.

It is appropriate that we do so in the first year of a new century and a new millennium, a time when our leaders are reflecting on what lies ahead and preparing for those challenges. Before looking ahead, though, this institution must first look back and reflect on what it has wrought and, by doing so, come to know that this is no occasion for celebration; rather it is time for reflection and contemplation, a time for sorrowful truths to be spoken, a time for contrition.

We must first reconcile ourselves to the fact that the works of this agency have at various times profoundly harmed the communities it was meant to serve. From the very beginning, the Office of Indian Affairs was an instrument by which the United States enforced its ambition against the Indian nations and Indian people who stood in its path. And so, the first mission of this institution was to execute the removal of the southeastern tribal nations. By threat, deceit, and force, these great tribal nations were made to march 1,000 miles to the west, leaving thousands of their old, their young and their infirm in hasty graves along the Trail of Tears.

As the nation looked to the West for more land, this agency participated in the ethnic cleansing that befell the western tribes. War

necessarily begets tragedy; the war for the West was no exception. Yet in these more enlightened times, it must be acknowledged that the deliberate spread of disease, the decimation of the mighty bison herds, the use of the poison alcohol to destroy mind and body, and the cowardly killing of women and children made for tragedy on a scale so ghastly that it cannot be dismissed as merely the inevitable consequence of the clash of competing ways of life. This agency and the good people in it failed in the mission to prevent the devastation. And so great nations of patriot warriors fell. We will never push aside the memory of unnecessary and violent death at places such as Sand Creek, the banks of the Washita River, and Wounded Knee.

Nor did the consequences of war have to include the futile and destructive efforts to annihilate Indian cultures. After the devastation of tribal economies and the deliberate creation of tribal dependence on the services provided by this agency, this agency set out to destroy all things Indian.

This agency forbade the speaking of Indian languages, prohibited the conduct of traditional religious activities, outlawed traditional government, and made Indian people ashamed of who they were. Worst of all, the Bureau of Indian Affairs committed these acts against the children entrusted to its boarding schools, brutalizing them emotionally, psychologically, physically, and spiritually. Even in this era of self-determination, when the Bureau of Indian Affairs is at long last serving as an advocate for Indian people in an atmosphere of mutual respect, the legacy of these misdeeds haunts us. The trauma of shame, fear and anger has passed from one generation to the next, and manifests itself in the rampant alcoholism, drug abuse, and domestic violence that plague Indian country. Many of our people live lives of unrelenting tragedy as Indian families suffer the ruin of lives by alcoholism, suicides made of shame and despair, and violent death at the hands of one another. So many of the maladies suffered today in Indian country result from the failures of this agency. Poverty, ignorance, and disease have been the product of this agency's work.

And so today I stand before you as the leader of an institution that in the past has committed acts so terrible that they infect, diminish, and destroy the lives of Indian people decades later, generations later. These things occurred despite the efforts of many good people with good hearts who sought to prevent them. These wrongs must be acknowledged if the healing is to begin.

I do not speak today for the United States. That is the province of the nation's elected leaders, and I would not presume to speak on their behalf. I am empowered, however, to speak on behalf of this agency, the Bureau of Indian Affairs, and I am quite certain that the words that follow reflect the hearts of its 10,000 employees.

Let us begin by expressing our profound sorrow for what this agency has done in the past. Just like you, when we think of these misdeeds and their tragic consequences, our hearts break and our grief is as pure and complete as yours. We desperately wish that we could change this history, but of course we cannot. On behalf of the Bureau of Indian Affairs, I extend this formal apology to Indian people for the historical conduct of this agency.

And while the BIA employees of today did not commit these wrongs, we acknowledge that the institution we serve did. We accept this inheritance, this legacy of racism and inhumanity. And by accepting this legacy, we accept also the moral responsibility of putting things right.

We therefore begin this important work anew, and make a new commitment to the people and communities that we serve, a commitment born of the dedication we share with you to the cause of renewed hope and prosperity for Indian country. Never again will this agency stand silent when hate and violence are committed against Indians. Never again will we allow policy to proceed from the assumption that Indians possess less human genius than the other races. Never again will we be complicit in the theft of Indian property. Never again will we appoint false leaders who serve purposes other than those of the tribes. Never again will we allow unflattering and stereotypical images of Indian people to deface the halls of government or lead the American people to shallow and ignorant beliefs about Indians. Never again will we attack your religions, your languages, your rituals, or any of your tribal ways. Never again will we seize your children, nor teach them to be ashamed of who they are. Never again.

We cannot yet ask your forgiveness, not while the burdens of this agency's history weigh so heavily on tribal communities. What we do ask is that, together, we allow the healing to begin: As you return to your homes, and as you talk with your people, please tell them that time of dying is at its end. Tell your children that the time of shame and fear is over. Tell your young men and women to replace their anger with hope and love for their people. Together, we must wipe the tears of seven generations. Together, we must allow our broken hearts to mend. Together, we will face a challenging world with confidence and trust. Together, let us resolve that when our future leaders gather to discuss the history of this institution, it will be time to celebrate the rebirth of joy, freedom, and progress for the Indian Nations. The Bureau of Indian Affairs was born in 1824 in a time of war on Indian people. May it live in the year 2000 and beyond as an instrument of their prosperity.

H–1B VISA ISSUE

HON. DANA ROHRABACHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. ROHRABACHER. Mr. Speaker, I Would like to submit for my colleagues an article that recently appeared in the New York Times. With all the recent discussion about the H–1B visa issue, I thought this article was not only timely, but quite effective at unveiling the truth behind all the rhetoric I've heard. In fact, I believe this article succinctly captures the reasons why Congress should not raise the H–1B visa limit.

[From the New York Times, Sept. 6, 2000]

QUESTIONING THE LABOR SHORTAGE

(By Richard Rothstein)

To alleviate apparent shortages of computer programmers, President Clinton and Congress have agreed to raise a quota on H–1B's, the temporary visas for skilled foreigners. The annual limit will go to 200,000 next year, up from 65,000 only three years ago.

The imported workers, most of whom come from India, are said to be needed because American schools do not graduate enough young people with science and math skills. Microsoft's chairman, William H. Gates, and Intel's chairman, Andrew S. Grove, told Congress in June that more visas were only a stopgap until education improved.

But the crisis is a mirage. High-tech companies portray a shortage, yet it is our memories that are short: only yesterday there was a glut of science and math graduates.

The computer industry took advantage of that glut by reducing wages. This discouraged youths from entering the field, creating the temporary shortages of today. Now, taking advantage of a public preconception that school failures have created the problem, industry finds a ready audience for its demands to import workers.

This newspaper covered the earlier surplus extensively. In 1992, it reported that I in 5 college graduates had a job not requiring a college degree. A 1995 article headlined ''Supply Exceeds Demand for Ph.D.'s in Many Science Fields'' cited nationwide unemployment of engineers, mathematicians and scientists. ''Overproduction of Ph.D. degrees,'' it noted, ''seems to be highest in computer science.''

Michael S. Teitelbaum, a demographer who served as vice chairman of the Commission on Immigration Reform, said in 1996 that there was ''an employer's market'' for technology workers, partly because of post-cold-war downsizing in aerospace.

In fields with real labor scarcity, wages rise. Yet despite accounts of dot-com entrepreneurs' becoming millionaires, trends in computer technology pay do not confirm a need to import legions of programmers.

Salary offers to new college graduates in computer science averaged $39,000 in 1986 and had declined by 1994 to $33,000 (in constant dollars). The trend reversed only in the late 1990's.

The West Coast median salary for experienced software engineers was $71,000 in 1999, up only 10 percent (in constant dollars) from 1990. This pay growth of about I percent a year suggests no labor shortage.

Norman Matloff, a computer science professor at the University of California, contends that high-tech companies create artificial shortages by refusing to hire experienced programmers. Many with technology degrees no longer work in the field. By age 50, fewer than half are still in the industry. Luring them back requires higher pay.

Industry spokesmen say older programmers with outdated skills would take too long to retrain. But Dr. Matloff counters by saying that when they urge more H–1B visas, lobbyists demonstrate a shortage by pointing to vacancies lasting many months. Companies could train older programmers in less time than it takes to process visas for cheaper foreign workers.

Dr. Matloff says that in addition to the pay issue, the industry rejects older workers because they will not work the long hours typical at Silicon Valley companies with youthful ''singles'' styles. Imported labor, he argues, is only a way to avoid offering better conditions to experienced programmers. H–1B workers, in contrast, cannot demand higher pay: visas are revoked if workers leave their sponsoring companies.

As for young computer workers, the labor market has recently tightened, with rising wages, because college students saw earlier wage declines and stopped majoring in math and science. In 1996, American colleges awarded 25,000 bachelor's degrees in computer science, down from 42,000 in 1985.

The reason is not that students suddenly lacked preparation. On the contrary, high school course-taking in math and science, including advanced placement, had climbed. Further, math scores have risen; last year 24 percent of seniors who took the SAT scored over 600 in math. But only 6 percent planned to major in computer science, and many of these cannot get into college programs.

The reason: colleges themselves have not yet adjusted to new demand. In some places, computer science courses are so oversubscribed that students must get on waiting lists as high school juniors.

With a time lag between student choice of majors and later job quests, high schools and colleges cannot address short-term supply and demand shifts for particular professions. Such shortages can be erased only by raising wages to attract those with needed skills who are now working in other fields—or by importing low-paid workers.

For the longer term, rising wages can guide counselors to encourage well-prepared students to major in computer science and engineering, and colleges will adjust to rising demand. But more H–1B immigrants can have a perverse effect, as their lower pay signals young people to avoid this field in future, keeping the domestic supply artificially low.

IN HONOR OF THE CRUSIN' HALL OF FAME INDUCTEES AT THE ROUTE 66 RENDEZVOUS

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BACA. Mr. Speaker, the City of San Bernardino will be hosting its 11th Annual Route 66 Rendezvous event downtown this month. The event is expected to draw over 500,000 classic car fans to the downtown, with 2,448 prime classic cars at the event (the number of miles of the Route 66 highway). I would like to salute the event's inductees into the Crusin' Hall of Fame, an impressive and truly remarkable collection of honorees this year:

● Mattel, in honor of the significant impact the company has made in the American Automotive culture with the development of the miniature vehicles ''Hot Wheels.''

Mattel is known as a leader in the world of toy design, manufacturing, and marketing. Mattel introduced ''Hot Wheels'' miniature vehicles in 1968. The three-inch long cars and trucks reached out and captured children's imaginations. Mattel celebrated the 30th anniversary of ''Hot Wheels'' in 1998, and reached a milestone when they produced the two billionth Hot Wheel car, making Mattel the producer of more vehicles than Detroit's big three auto makers combined.

● The Beach Boys, a popular sixties and seventies band that popularized surfing and cruising music, in honor of the significant part their music plays in the American automotive culture.

From Hawthorne, California, the three Beach Boy brothers—Brian, Dennis and Carl Wilson, plus cousin Mike Love and friend Al Jardine had some of the most intricate, beautiful harmonies heard from a pop band. Their music is still popular and can be heard on countless radio stations and car cruises around the nation.

● The J.C. Agajanian Family, a family with over fifty years in motorsports racing, in honor of their many significant contributions in the promotion, participation, and involvement in the American automotive culture.

J.C. Agajanian, one of the most influential men in American motorsports history, is known for his involvement and many achievements in the motorsports world. In 1998, the Agajanians marked their 50th Golden Anniversary of promoting, participating, and involvement with the famed Indianapolis 500.

● The Woody, the hand-built ''sport utility vehicle'' of its day, in honor of the significant role this unique automobile played in the American Automotive culture.

Since the sixties, these wagons have been popular collector's items. They are in such demand that old cars with splinters instead of wood are being lovingly restored and shown off at car shows and cruises throughout the United States.

DOGS IN SERVICE TO MANKIND

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. LOWEY. Mr. Speaker, I rise today to commend the American Kennel Club's celebration of ''Dogs in Service to Mankind.'' The American Kennel Club, established in 1884, is the world's largest purebred dog registry and the nation's leading not-for-profit organization devoted to the support of purebred dogs, responsible pet ownership and canine health.

As well as providing invaluable and beneficial companionship to millions of Americans, purebred dogs have provided service to mankind for generations and in a myriad of ways. Only a few examples are the dogs who accompanied our servicemen in every war; who rescue Americans every year from fire, entrapment and drowning; and whose powers of scent enable them to locate lost children, dangerous chemicals and illegal materials.

Dogs give vital assistance to the handicapped, ill and elderly, and these amazing creatures can even warn a person that a heart attack or epileptic seizure is about to occur. Many Americans have benefitted from the companionship and unconditional love that service dogs provide.

So today, I join the American Kennel Club in its recognition of dogs' extraordinary capabilities. I am delighted to Join in honoring these wonderful animals whose service to humankind deserves our utmost appreciation.

HONORING HO'OIPO DECAMBRA, 2000 ROBERT WOOD JOHNSON COMMUNITY HEALTH LEADER

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. MINK of Hawaii. Mr. Speaker, I rise today to acknowledge the tremendous contributions of Ho'oipo DeCambra, Executive Director of Ho'omau Ke Ola, for her work to improve the health and well-being of her rural community in Wai'anae, Hawaii. Ho'oipo's inspired leadership and innovative programs led to her being named a 2000 Robert Wood Johnson Community Health Leader.

Only ten people nationwide receive this prestigious award each year. The Robert Wood Johnson Community Health Leader award, the nation's highest honor for community health leadership, includes an $100,000 cash award—$95,000 goes to enhance the awardee's community health program and $5,000 is a personal award.

Ho'oipo DeCambra has developed and implemented successful substance abuse treatment programs and a women's cancer project utilizing traditional Hawaiian values and healing practices to reach out to the Native Hawaiian community, which suffers from a high incidence of substance abuse and cancer. A longtime social justice advocate, Ho'oipo became involved in local health care after seeing the effects that disease and drug addiction have had on the people of her own community.

Troubled by the number of Hawaiian women with breast cancer, DeCambra pioneered the Women's Cancer Research Project, now called the Women's Health Network. The program teaches women and their families about breast and cervical cancers through ''kokua'' or help groups. The original study employed Hawaiian women with breast cancer in data collection and analysis.

Ho'oipo DeCambra has since turned her talents and energy to helping people who suffer from drug addiction. She directs a substance abuse treatment program, Ho'omau Ke Ola, that uses traditional Native Hawaiian healing methods in concert with the very latest clinical practices to treat the largely Hawaiian population of the Wai'anae coast of the island of O'ahu. Ho'omau Ke Ola also provides transitional shelter and distributes food to residents in the community.

Ho'oipo DeCambra previously served as chair of the board of the Wai'anae Coast Comprehensive Health Center. She is a founding board member of Ke Ola O Hawai'i, an academic community partnership organization. She also sits on the board of the Hawai'i Health Foundation, which promotes a traditional Native Hawaiian diet, and serves on an ad hoc committee of the U.S. Department of Health and Human Services' Office of Women's Health, Minority Women's Health Panel of Experts. Ho'oipo is also a published poet.

I am pleased to have this opportunity to congratulate Ho'oipo and to thank her for devoting her considerable talents and boundless aloha to improving the lives of the people in her community and throughout the state.

ST. THOMAS SYNAGOGUE—A NATIONAL HISTORIC LANDMARK

HON. DONNA MC CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mrs. CHRISTENSEN. Mr. Speaker, I rise to pay tribute to the St. Thomas Synagogue, formally, the Synagogue of Beracha Veshalom Vegemiluth Hasidim, or in English, ''the Synagogue of Blessing and Peace and Acts of Piety,'' located on Synagogue Hill overlooking Charlotte Amalie Harbor in the Federal Historic District of Charlotte Amalie, the capital of the United States Virgin Islands.

Today, September 12, 2000, marks the 167th Anniversary of the consecration of the St. Thomas Synagogue. This synagogue, a well-preserved structure, built 167 years ago today in 1833, is indeed rich in history, culture and architecture. It is the second oldest synagogue in the Western Hemisphere and the oldest in continuous use under the American flag.

For many Virgin Islanders, the St. Thomas Synagogue is a reminder of tolerance and equality, as well as of European expansion into the new world during the Spanish Inquisition of 1492. Practicing Jews were expelled

from Spain during that period. As a result of this exodus, many Jewish families established themselves in the then Danish West Indies which are now the U.S. Virgin Islands. Some of the surnames which date back to that time are still present in the Virgin Islands today such as: Maduro, Castro, Sasso, Levin, Bornn, and Monsanto.

The St. Thomas Synagogue is also revered as among one of the most architecturally interesting buildings on St. Thomas. This one story, three-bay front building measures forty feet by fifty feet, is rectangular in shape. Its foundations, made of masonry with lime mortar and plaster, and its walls, made of brick and cut stone load-bearing masonry walls with lime mortar and plaster, are still strong and sound. Its interior is emaculate with preserved artifacts and furniture centuries old. The most fascinating aspect is its flooring—13″ marble tiles and covered with one inch of loose sand, a poignant reminder of the time when they had to worship in secret. The sand on the floor is a remnant of the days of the Marranos, Jews during the Spanish Inquisition who were forced to convert to Christianity but who secretly practiced their Judaism. Since practicing their faith was punishable by death, they met in cellars with sand covering the floor in order to muffle the sounds of their prayers.

On Friday, September 15, 2000, the United States Department of Interior will honor the U.S. Virgin Islands and the Hebrew Congregation of St. Thomas at a ceremony formally designating the St. Thomas Synagogue as a National Historic Landmark.

On behalf of the Congress of the United States of America, I congratulate the Hebrew Congregation of St. Thomas on attaining this honor and salute them for their dedicated service and contributions to the United States Virgin Islands.

TRIBUTE TO BRIAN M. O'LAUGHLIN

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. MOORE. Mr. Speaker, I rise today to pay tribute to a noteworthy resident of the Third Congressional District of Kansas, Brian M. O'Laughlin, who lives in Prairie Village, Kansas, with his wife, Mimi, and their four sons.

Mr. O'Laughlin recently was named ''Man of the Year'' by the Missouri Association of Insurance and Financial Advisors for his service and leadership to his industry, community and clientele. He has been in the insurance and financial services industry in the Kansas City area for the past 17 years, where his practice specializes in insurance.

Mr. O'Laughlin is a past president of the Kansas City Life Underwriters Association [KCLUA] and currently serves on its board. KCLUA awarded him its highest honor in January 1999, as the ''Herbert Hedges Man of the Year.'' He also has served his community as president of the Rockhurst High School Alumni Association and as the assistant coach and general manager of the Junior Blues High School Rugby Club. He was awarded the American Red Cross ''Certification of Recognition for Extraordinary Personal Action'' in July 1977 for resuscitating a two year old boy in a 1976 swimming pool accident.

Mr. O'Laughlin is: a charter member of the Serra Club of Johnson County, Kansas; past school board member of St. Ann's School and former PTA co-president, with Mimi O'Laughlin. He currently serves on the finance council for St. Ann's Catholic Church in Prairie Village, Kansas. He has been involved with organizations such as: the Leukemia Society; the Chamber of Commerce of Greater Kansas City; the Salvation Army, the Heart Association; Friends of the Arts and Friends of the Zoo; and the ''Leave a Legacy'' Foundation.

Finally, Brian O'Laughlin has coached over twenty five seasons of soccer, basketball and rugby. He also is a certified ''International Doping Control Officer'' for various international sports organizations and tests world class athletes for steroid use to ensure fair competition and the safety of the athletes.

Mr. Speaker, Brian O'Laughlin is the kind of concerned citizen whose selfless dedication to others binds our communities together. I commend him on his recognition as ''Man of the Year'' by the Missouri Association of Insurance and Financial Advisors and I am pleased to have this opportunity to publicly commend his good works before the House of Representatives.

HONORING SISTER CATHERINE MORAN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GILMAN. Mr. Speaker, I was unavoidably detained in New York and missed the opening ceremonies of today's session. Accordingly, I deeply regret not being here in person to greet Sister Catherine Moran, who delivered the opening prayer earlier this afternoon.

In recent years, while there have been other clergy women who have had the honor of leading this body in its opening prayer, I understand, however, that Sister Catherine Moran is the first person who has never been ordained to be afforded this honor. Truly, this was an historic occasion.

However, Sister Catherine's entire life has been one of breaking precedent. Born in Brooklyn, she entered the convent on September 8, 1945, receiving a Masters Degree in Education from St. John's University, and advanced certificates in Administration from both Hofstra University and the State University of New York in Plattsburgh.

From 1975 until 1983, Sister Catherine Moran was the Principal at Albertus Magnus High School in Bardonia, New York. Albertus Magnus has long been one of the most prestigious and respected high schools in my Congressional District, and its luster is due in good part to the outstanding leadership which Sister afforded during her eight year tenure as its Principal.

Although she is still affiliated with the Dominican Convent in Sparkill, New York, for the past 14 years Sister has traveled over the border into New Jersey, where she serves the New Community Corporation in Newark as Human Resources director. Her outstanding service in this capacity earned the attention of our colleague from New Jersey (Mr. PAYNE), who sponsored Sister's participation in our opening ceremonies today.

Mr. Speaker, I would like all of our colleagues to be aware that on October 20th of this year, Sister Catherine Moran will be the recipient of the 2000 Founders Award from St. Thomas Aquinas College in my Congressional District, in Sparkill, NY. This highly prestigious award is presented annually to the individual who has exemplified the motto of St. Thomas Aquinas College: ''Enlighten the Mind through Truth.''

I plan to be on hand at the Aquinas Medal banquet this year as this truly remarkable woman is recognized for her compassion and for her service to humanity.

Mr. Speaker, it is notable that our opening prayer today was delivered by a truly unique individual who made history by being here with us.

TRIBUTE TO RAJ SOIN

HON. DAVID L. HOBSON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HOBSON. Mr. Speaker, I rise today to pay tribute to an outstanding Ohioan and an individual who has helped to show that the American Dream can become a reality.

Raj Soin came to this country from India in 1969 to attend graduate school. The airline which brought him to this country lost his luggage and Mr. Soin began his American odyssey with $3 and only the clothes he was wearing. Through hard work and determination, he received his degree and began a career with Williams International in Michigan.

By 1984, Mr. Soin had created Modern Technologies Corporation and established it in Dayton to be near Wright-Patterson Air Force Base and its extensive military research facilities. As his businesses grew, he never forgot the importance of family. His wife and sons have publicly praised his ability to balance his professional and family commitments.

Mr. Soin is currently president and CEO of MTC International, a parent company for a number of high-tech and manufacturing businesses involving engineering, consulting work for the military, computer applications and services, plastic materials and land development. Mr. Soin is living proof that America is still a land of opportunity.

Mr. Soin's belief that the best investment is an investment in good people has given him a vision of excellence and helped him provide crucial leadership to Wright State University. Mr. Soin is committed to Wright State's development as a premier institution of higher learning and he has consistently demonstrated his ability to help this dream take form.

While building his own successful business ventures, Raj Soin has served on Wright State University's Board of Trustees since 1993 as well as its Business College Board of Advisors. He also serves on the boards of the Victoria Theatre, the Dayton Foundation, and the Ohio Business Roundtable. Additionally, he founded the Asian Indian American Business Group in 1987 and the Ohio India Project which raises funds for charitable work.

As a result of his steadfast support, Wright State University publicly recognized Mr. Soin

on September 11, 2000 by naming the school's College of Business and Administration in his honor.

As Ohio's Seventh District Representative to the Congress of the United States, I take this opportunity to join with Wright State University and our entire local community to honor the efforts and the achievements of Raj Soin. His many contributions to the Miami Valley are greatly appreciated by all.

A DAY AT THE RANCH

HON. SONNY CALLAHAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CALLAHAN. Mr. Speaker, I rise today to recognize the outstanding accomplishments of A Day at the Ranch Youth Foundation. Founded in Mobile, Alabama, by Peggy Thrash and Gabriel Peck, Jr., A Day at the Ranch is currently headquartered in St. Elmo, Alabama, on a ten-acre horse ranch.

A Day at the Ranch provides a very unique opportunity for today's youth, especially disadvantaged young people. Away from the hustle and bustle of the city, A Day at the Ranch affords young men and women an opportunity to participate firsthand in the environment of a working horse ranch.

In addition to the many chores associated with running a ranch, the program also contains an educational component designed to broaden the young persons' awareness and knowledge of contributions made by African-American men and women in conjunction with horses.

Staffed by volunteers from across the state of Alabama, the ranch also gives students the opportunity to participate in events such as West Fest, as well as an annual trip to Houston, Texas.

West Fest was held in 1998 for Mobile County schools, and more than 5200 students attended the day's events. West Fest was highlighted by cultural activities such as the Bill Picket Rodeo, the largest African-American rodeo in the country, and a cultural exchange spotlighting Alabama's Native American Tribes and Civil War reenactments.

In 1999, A Day at the Ranch Youth Foundation selected 40 disadvantaged young people from across the state, as well as 40 youth in foster care. They traveled to Houston for the weekend and attended the Houston Livestock and Rodeo Show. This trip is now an annual event funded by supporters of A Day at the Ranch Youth Foundation.

Although the program is primarily designed for today's youth, A Day at the Ranch also hosts adult groups. Since 1996, more than 25,000 young people and adults alike have spent A Day at the Ranch. With the overwhelming social problems our young people face today, it is clear this program is informative and beneficial for the young people of Alabama.

Mr. Speaker, I salute Peggy Thrash and Gabriel Peck, Jr., for coming up with the innovative program, A Day at the Ranch. Not only are they helping educate our young people on the importance of good equestrian practices, but they are also providing a valuable lesson on the importance of hard work and responsibility.

HONORING THE STANDARD REGISTER COMPANY IN MONROE, NC

HON. ROBIN HAYES

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. HAYES. Mr. Speaker, today it is my privilege to recognize the Standard Register Company's facility in Monroe, NC, for successfully completing over 600,000 hours of operation with no lost time.

John Q. Sherman formed Standard Register Company in 1912 in Dayton, OH. Mr. Sherman and his company introduced Theodore Schirmer's paper-feeding invention, the autographic register, to the industrial world. Today, Standard Register is a member of the Business Forms Industry, and is a $1.4 billion company with approximately 8,200 associates nationwide.

The plant in Monroe was formed on August 6, 1996, when Standard Register Company acquired Piedmont Pninting. Since that date the employees at the Monroe facility have worked a total of 667,613 hours with no lost time, no work-related injuries. This great accomplishment is proof of the excellent work habits of all of the members of the Monroe plant.

I would like to extend special congratulations and commendations to a few of Standard Register's corporate officers and managers, Harry Seifert, Dave Fehrman, Rick Miller, Dan Buchholtz, Earl Ammons, and Terry E. Sizemore.

Mr. Speaker, I would like to congratulate the employees at Standard Register for their superior achievements, and I would ask all of my colleagues to join me in paying special tribute to them.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. EWING. Mr. Speaker, today I would like to salute Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes. They are outstanding young women who were honored with the Girl Scout Gold Award by Green Meadows Council in Urbana, Illinois. Laura, Erin, Jennifer, Christina, and Merideth were honored on May 8, 2000 for earning the highest achievement that a young woman aged 14–17 or in grades 9–12 can earn in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments and has five requirements, each of which helps girls develop skills in the areas of leadership, career exploration, self-discovery, and service. The fifth requirement is a Gold Award Project that requires a minimum of 50 hours of participation.

Girl Scouts of the U. S. A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive this award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, and also design and carry out a Girl Scout Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl, her troop leader, and an adult Girl Scout volunteer mentor.

Laura and Erin's Gold Award project was ''Communities Helping Communities.'' They are members of Girl Scout Troop 299 in Champaign, Illinois. The idea for their project came when they participated in a school sponsored city clean-up project. They recognized the need to help elderly neighbors with yard work and beautification of their property. Together they organized and coordinated volunteer workers, obtained donations of plant materials and supplies and provided gardening services for eight elderly families and three churches. Upon completing this project, they evaluated the results. Laura felt that one of the benefits of this project was the families were able to provide input into the selection of flowers and how their flowerbeds were designed. Erin said she gained self-satisfaction from providing such a tangible improvement to homes. Benefits of the project were the experience of intergenerational and multi-racial neighbors working together.

Jennifer Iversen's Gold Award project involved obtaining computers for the residents of Manor Care Health Services. She is also a member of Girl Scout Troop 299 in Champaign, Illinois. Jennifer and a friend taught residents basic computer skills and how to access the Internet. These new skills provided residents the ability to use e-mail to correspond with family friends. Jennifer applied for and received a grant for continuation of this project next year with volunteer assistance from the social advocacy class at University Laboratory High School.

Christina Barnes's Gold Award project titled ''Assistant Softball Coach'' provided her the opportunity to share her talents and love of softball with young women aged 13–15. Christina is a member of Girl Scout Troop 400 in Philo, Illinois. She coached and taught this group fast pitch softball skills through the Park District. Her project also included developing a First Aid kit for the team and emphasizing nutrition in her instruction

Merideth Holmes is an Independent Girl Scout from Monticello, Illinois, and her project, ''Christian Cuddliess'' involved working with members of a Junior Girl Scout troop to make teddy bears for children admitted to the emergency room of Ganta Memorial Hospital in Ganta, Liberia. Merideth enjoyed involving the Junior Girl Scouts in her project and being able to make an emergency room more comforting and less threatening for children.

I believe that Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes should receive public recognition for their significant service to their communities and country.

RECOGNIZING 5 OLYMPIC TEAM MEMBERS FROM THE 41ST DISTRICT OF CALIFORNIA

HON. GARY G. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GARY MILLER of California. Mr. Speaker, it gives me great pleasure to recognize five

athletes from California's 41st District that will be representing the United States at the XXVII Olympic Summer Games in Sydney, Australia. Leah O'Brien-Amico from Diamond Bar and Shelia Douty from Chino will be competing on the U.S. Women's Softball Team; Heather Brown from Yorba Linda on the U.S. Women's Volleyball Team; Brian Dunseth from Upland on the U.S. Men's Soccer Team; and Young In Cheon from Diamond Bar will be competing in Taekwondo.

I commend these very special individuals for sacrificing, training and competing to make it to the top of their respective sports. Their hard work has lead to their selection on the U.S. Olympic Team and with it the notoriety of being our country's finest athletes. It is a great honor to compete for the United States in the world's most prestigious athletic contest. Their communities and their nation are very proud of them. Our support and best wishes go with each one of them as they journey to Sydney, Australia to compete in this year's Olympic Summer Games.

A SPECIAL TRIBUTE TO THOMAS SUDDES FOR HIS DEDICATED SERVICE AND MYRIAD CONTRIBUTIONS TO THE FIELD OF JOURNALISM

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GILLMOR. Mr. Speaker, it is with great pride that I rise today to pay special tribute to an outstanding individual from the state of Ohio. Mr. Speaker, on August 31, 2000, Thomas Suddes, chief legislative reporter for the Cleveland Plain Dealer, retired after more than 25 years of service in the field of journalism.

Born in Youngstown, OH, Tom's educational journey began at St. Dominic Elementary and Cardinal Mooney High School. In 1976, Tom completed his bachelor of arts degree in journalism at the Ohio State University. Now, Tom will leave the Cleveland Plain Dealer after 18 years to pursue his doctorate degree in mass communications at Ohio University's E.W. Scripps School of Journalism.

While attending the Ohio State University, Tom worked as statehouse reporter, columnist, editorial page editor, and editor-in-chief of the student-run Ohio State Lantern newspaper. After graduating from OSU, Tom wrote for the Chicago Sun-Times and the Des Moines Register and Tribune. He also served as editorial page editor with Foster's Daily Democrat of Dover, New Hampshire and assistant news editor with the Clarion-Ledger of Jackson, MS.

In 1982, Tom Suddes began working for the organization that would showcase his talents and allow his career to flourish, the Cleveland Plain Dealer. Tom has served in many positions with the Cleveland Plain Dealer over the last 18 years. From state desk reporter to Columbus bureau chief, from columnist to chief legislative reporter, Tom Suddes has brought honor, integrity, and fair reporting to each of his assignments.

Journalists like Tom Suddes are a credit to their profession. They diligently work to secure stories, which bring their readers the information they so desire. Yet, above all, they preserve the trust and respect of the leaders and public officials they cover.

Mr. Speaker, my wife, Karen, and I have known Tom Suddes for many years and have the highest regard for his character and abilities as a journalist. While Karen and I will sorely miss his insight into Ohio politics and his coverage of state and national events, we know that our friendship will continue to flourish. At this time, I would ask my colleagues of the 106th Congress to stand and join me in paying special tribute to Thomas Suddes. His professionalism and service are a credit to the field of journalism. We wish him the very best in all of his future endeavors.

VENEZUELA'S PRESIDENT CHAVEZ

HON. DOUG BEREUTER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BEREUTER. Mr. Speaker, I submit for my colleagues the August 16, 2000, Norfork Daily News editorial entitled ''Chavez travels: Venezuela's new president provides incentive to emphasize energy search.'' As the editorial correctly notes, Venezuela's new president, Hugo Chavez, is not winning friends here in America. At the request of the Speaker, this Member accompanied him on President Clinton's one-day trip to Colombia to view first hand the efforts within that country and its neighbors to reduce or eliminate the coca and poppy production, which are the basis of cocaine and heroin.

It is clear that Mr. Chavez considers himself, with a significant degree of grandiosity and self-assuredness, as the emerging political power in the region. This appears to have dangerous implications, and such actions by President Chavez, as noted in the editorial to include known belligerents to our national security, must be closely watched and, if necessary, responded to immediately.

Venezuela is the United States' leading supplier of imported crude and refined petroleum products. The United States accounts for 53 percent of Venezuela's exports. Venezuela's activities and cooperation within the Organization of Petroleum Exporting Countries (OPEC) under the Chavez Government was one factor in doubling oil prices.

Mr. Speaker, it is time we let Mr. Chavez know that we are concerned about his actions as a hemispheric neighbor.

[From the Norfolk Daily News, Aug. 16, 2000]

CHAVEZ TRAVELS—VENEZUELA'S NEW PRESIDENT PROVIDES INCENTIVE TO EMPHASIZE ENERGY SEARCH

Venezuela's new president, Hugo Chavez, was not winning friends among America's policymakers by cozying up to Cuban Dictator Fidel Castro or suggesting that Libya was a model of ''participatory democracy.'' Now he has taken a step further in that direction by traveling to Iraq as part of a visit to OPEC nations that make up the cartel of oil producers.

It is the first visit of any foreign leader to Iraq since Saddam Hussein's forces invaded Kuwait 10 years ago, bringing on the Gulf War.

America cannot dictate who Chavez's friends can be, though it is cause for alarm that he embraces such firm enemies. Those friendships, however, indicate to Americans that Venezuela's oil supplies, important to the United States, cannot be taken for granted.

That is no reason to waste time denouncing Chavez, but an incentive to re-emphasize the importance of developing new energy sources within the U.S.

VICE PRESIDENT GORE'S GULF WAR VOTE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CRANE. Mr. Speaker, former assistant Senate Republican Leader, Alan Simpson, has recalled for Americans the serious debate that went on in the Senate during the period leading up to the Gulf War. He tells us in a recent article, ''The seriousness of the situation called for open, honest debate. No deal-making. No cajoling. No politics. Just an honest discussion, followed by an honest vote of conscience by each senator.''

Mr. Speaker, Senator Simpson reports in the Las Vegas Review-Journal that the night before the floor debate, he and Senator Dole were sitting in the Republican cloakroom somberly contemplating the vote which could mean sending our troops to war. He recalls that suddenly Tennessee Senator AL GORE came in and asked, ''How much time will you give me if I support the President?'' After hearing that the Democrats had offered Senator GORE only seven minutes of camera time on the floor, the two Republican senators promised him twenty minutes—prime time, if possible.

Senator Simpson reports that later, after being told by GOP Senate Secretary Howard Greene that the time had not yet been finalized, Senator GORE exploded with the remark, ''Damn it, Howard, if I don't get 20 minutes tomorrow, I'm going to vote the other way.''

Senator Simpson says that it brings him no joy to recount the events leading up to the Gulf War, but feels he has to set the record straight because the Gore campaign is now proclaiming that the Vice President ''broke with his own party to support the Gulf War.'' The former Senator from Nevada ruefully concludes that ''it's much closer to the truth to say he broke for the cameras to support the Gulf War.''

Mr. Speaker, I submit the article by Senator Simpson, entitled ''Political Calculations and GORE's Gulf War Vote,'' which appeared in the Las Vegas Review-Journal for September 1, 2000 for the CONGRESSIONAL RECORD.

POLITICAL CALCULATIONS AND GORE'S GULF WAR VOTE

Al Gore's running a new campaign ad across the country now, saying he is ''fighting for us.'' But the true story of his Gulf War vote says he is usually fighting for Al. Here is the inside story of what happened.

The Gulf War vote was pretty serious business. I can't think of anyone who didn't have a lump in his or her throat as they weighed the situation—50,000 American troops were deployed; Saddam Hussein promising the ''mother of all battles;'' most ''experts'' predicting heavy American losses.

The choice was not an easy one. Senators with combat experience on both sides of the aisle were on both sides of the issue. Some

Democrats openly supported the measure; some Republicans openly opposed it. And vice versa.

The seriousness of the situation called for open, honest debate. No deal-making. No cajoling. No politics. Just an honest discussion, followed by an honest vote of conscience by each senator. As Republican whip, I worked with the Republican leader, Bob Dole, and the Democratic leaders, George Mitchell and Sam Nunn, to schedule the debate. As Republicans, Bob and I were responsible for scheduling time to speak for senators who supported the war. As Democrats, George and Sam were responsible for scheduling time to speak for those who opposed the war.

The night before this monumental debate, I sat in the Republican cloakroom with Sen. Dole. The mood was somber. The tension was palpable. We were on the verge of sending troops to war. Our national credibility was on the line. Would America stand up to tyranny and aggression in the Middle East? This was not some issue to be taken lightly.

As Bob and I discussed the debate schedule for the next day, a senator walked into our cloakroom and asked to speak to us. The senator's appearance and request surprised Bob and me. It surprised us because the senator was a Democrat, coming to ask for a favor. Who was that man?

It as Tennessee Sen. Al Gore Jr.

Sen. Gore got right to the point: ''How much time will you give me if I support the president?'' In layman's terms, Gore was asking how much debate time we would be willing to give him to speak on the floor if he voted with us.

''How much time will the Democrats give you?'' Sen. Dole asked in response.

''Seven minutes,'' came the droning response.

''I'll give you 15 minutes,'' Dole said.

''And I'll give you five of mine, so you can have 20 minutes,'' I offered.

Gore seemed pleased, but made no final commitment, promising only to think it over.

Gore played hard to get. He had received his time. But now he wanted prime time. And Dole and I knew it, After Gore left, Dole asked Howard Greene, the Republican Senate secretary, to call Gore's office and promise that he would try to schedule Gore's 20 minutes during prime time, thus ensuring plenty of coverage in the news cycle.

Later that night, Sen. Gore called Greene and asked if Dole had him a prime time speaking slot. When Greene said nothing had been finalized yet, Gore erupted. ''Damn it, Howard! If I don't get 20 minutes tomorrow, I'm going to vote the other way.''

The following day, Gore arrived on the Senate floor with, I always thought, two speeches in hand. Gore was still waiting to see which side—Republicans or Democrats—would offer him the most and the best speaking time. Sen. Dole immediately asked the Senate to increase the amount of speaking time for both sides. I believe only then, after Gore realized we were asking for more time to make room for him on our side, that he finally decided to support the resolution authorizing the use of force to drive Saddam Hussein out of Kuwait.

It brings me no joy to recount the events leading up to the Gulf War vote. It isn't something I wanted to do. But it is something I have to do. I was there.

I have to set the record straight because the Gore campaign is now running an ad proclaiming that Al Gore, ''broke with his own party to support the Gulf War.'' In reality, it's much closer to the truth to say he broke for the cameras to support the Gulf War.

And I have to set the record straight because the Gulf War vote was far too important an issue to fall victim to politics and repulsive revising. It was a moment of challenge. And sadly, Al Gore was not up to it.

As a member of the U.S. Senate for 18 years, I saw many senators show their stuff when times got tough. And, sadly, I saw some who failed to rise to the occasion. In January of 1991, Al Gore put politics over principle.

DUQUESNE UNIVERSITY, MYLAN SCHOOL OF PHARMACY

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. COYNE. Mr. Speaker, today I recognize the 75th anniversary of Duquesne University's Mylan School of Pharmacy.

Seventy-five years ago this month, the Duquesne School of Pharmacy opened its doors. In the subsequent years, it has prepared thousands of pharmacists who have gone on to provide competent, professional service and advice to people across the country. Thy Mylan School of Pharmacy is widely recognized as one of the best pharmacy schools in the country. I am proud that this outstanding institution is located in my congressional district.

TRIBUTE TO THE KLEIN BRANCH

HON. ROBERT A. BORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. BORSKI. Mr. Speaker, today I honor the Jewish Community Centers of Greater Philadelphia's Raymond and Miriam Klein Branch, as they celebrate 25 years of servicing their community.

The Klein Branch opened its doors to society in 1975, as a haven not only for its members, but also for all in the community. The Klein Branch began and continues to reach out to many people, including the youth, senior citizens, New Americans, and also those with special needs.

Currently, the Klein Branch of the Jewish Community Centers of Greater Philadelphia offers a wide array of activities and programs. They consist of: preschool and kindergarten, summer camp, adult education, exercise and fitness classes, senior adult programs and clubs, after school programs, single parents groups, teen programs, and numerous planned trips for all of its members. The Klein Branch facilitates programs that encompass many different age groups and specifications, as to meet the varying needs of all people.

At the Klein Branch, ''family'' is always a principal priority. The center offers events that the entire family can partake in such as movie night, bingo night, dances, theater programs, and community service days. These programs provide means for family members to interact with one another, and strengthen the ties between them.

The Klein Branch has also labored to educate its members on Jewish holidays, culture and traditions. The center presents holiday meals and educational events such as Book Festivals and film series. It has also created specific centers for meeting the needs of the Jewish community, such as the Stern Hebrew High School, Jewish Family and Children Services, and Jewish Employment and Vocational Services.

Mr. Speaker, the Raymond and Miriam Klein Branch should be commended for its tireless pursuit to support and pull together the Philadelphia community. The Klein Branch's devotion to enriching the lives of all people who enter their facilities should be recognized, as its members achieve 25 fulfilling years of community service. I congratulate and offer my best wishes for continued education in the coming years.

U.S.-INDIA RELATIONS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. GILMAN. Mr. Speaker, today I am introducing H. Res. 572, a resolution expressing the sense of the House of Representatives that it is in the interest of both the United States and India to expand and strengthen U.S.-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the on-going dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step.

This coming Thursday, Indian Prime Minister Atal Vajpayee will address a joint session of Congress. His historic visit comes at a precious moment in U.S.-Indian relations. The world's two largest and most vibrant democracies are in the process of creating a relationship that truly reflects our mutual interests.

Both of our governments are dedicated to the protection of the rule of law, democracy and freedom of religion. Our citizens share a fervent faith in these core values. It is also why India and the United States see eye-to-eye on so many regional concerns.

China's hegemony, the spread of Islamic terrorism spilling out of Afghanistan and Pakistan, the narco-dictatorship in Burma, China's illegal occupation of Tibet, are serious concerns to both of our nations.

During this past summer, the world was horror stricken when Islamic terrorists gunned down some 101 Hindu pilgrims in Kashmir. The massacre came only two weeks after the largest militant Kashmiri group, Hezb-ul Mujahadeen, called for a cease fire. The killings were apparently done to sabotage any attempt to peacefully broker a settlement to the Kashmir crises. All of us are outraged by the brutal barbaric killings of innocent civilians.

Such malicious extraordinary violence reinforces my conviction that India and the United States must develop a much closer military and intelligence relationship. A special relationship is needed so that we can share our knowledge and skills in order to successfully confront our mutual enemies who wish to destroy the basic principles of our societies.

Regrettably, the State Department creates confusion among our friends and allies in Asia by promoting a ''strategic partnership'' with China and by ignoring the fact that Beijing, in violation of the Nuclear Non-Proliferation Treaty, transfers and sells nuclear and ballistic

weapons technology to Pakistan, a militaristic nation that spreads terrorism throughout South Asia by supporting the Taliban and other repressive forces. China has also sold billions of dollars of arms to the narco dictatorship in Burma that borders on India.

We need to lift the remaining sanctions that were imposed on India for testing nuclear weapons. As long as the State Department permits China to go unchecked and it continues to stoke the fires in South Asia, India will need to be able to defend itself.

The Prime Minister's address to Congress this week will afford all of our Members of the House and Senate the opportunity to hear about issues of importance in the U.S.-India bilateral relationship, including trade, energy, investment, science, information technology, as well as cooperative efforts to combat terrorism and to achieve regional peace and security in South Asia—a region of prime importance to our national interests.

As the current Indian government works to ensure that India remains secure, we should be marching shoulder-to-shoulder with her during this new century.

I look forward to meeting with the Prime Minister and working closely with him and his government on initiatives that bring peace and prosperity to India and Asia, and even stronger bonds of friendship between our two nations.

I submit the full text of H. Res. 572 for the RECORD and I urge my colleagues to support the resolution.

H. RES. 572

Whereas the United States and the Republic of India are two of the world's largest democracies that together represent one-fifth of the world's population and more than one-fourth of the world's economy;

Whereas the United States and India share common ideals and a vision for the 21st century, where freedom and democracy are the strongest foundations for peace and prosperity;

Whereas in keeping with this vision India has given refuge to His Holiness the Dalai Lama, Burmese refugees fleeing repression in Burma, and is a refuge for people in the region struggling for their basic human rights;

Whereas the United States and India are partners in peace with common interests in and complementary responsibility for ensuring international security and regional peace and stability;

Whereas the United States and India are allies in the cause of democracy, sharing our experience in nurturing and strengthening democratic institutions throughout the world and fighting the challenge to democratic order from forces such as terrorism;

Whereas the growing partnership between the United States and India is reinforced by the ties of scholarship, commerce, and increasingly of kinship among our people;

Whereas the industry, enterprise, and cultural contributions of Americans of Indian heritage have enriched and enlivened the societies of both the United States and India; and

Whereas the bonds of friendship between the United States and India can be deepened and strengthened through cooperative programs in areas such as education, science and technology, information technology, finance and investment, trade, agriculture, energy, the fight against poverty, improving the environment, infrastructure development, and the eradication of human suffering, disease, and poverty: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that—

(1) the United States and the Republic of India should continue to expand and strengthen bilateral security, economic, and political ties for the mutual benefit of both countries, and for the maintenance of peace, stability, and prosperity in South Asia;

(2) the United States should consider removing existing unilateral legislative and administrative measures imposed against India, which prevent the normalization of United States-India bilateral economic and trade relations;

(3) established institutional and collaborative mechanisms between the United States and India should be maintained and enhanced to further a robust partnership between the two countries;

(4) it is vitally important that the United State and India continue to share information and intensify their cooperation in combating terrorism; and

(5) the upcoming visit of the Prime Minister of India, Atal Bihari Vajpayee, to the United States is a significant step toward broadening and deepening the friendship and cooperation between United States and India.

WHAT'S SO GREAT ABOUT CANADA'S MEDICAL SYSTEM?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. CRANE. Mr. Speaker, Dr. Bill McArthur is a practicing physician, research scientist and writer in Vancouver, B.C. In a recent issue of the Las Vegas Review-Journal, he criticizes some U.S. politicians for promising they can offer Americans much cheaper drugs simply by copying the Canadian pharmaceutical system. For one thing, he argues, the reason some drugs are 23 percent cheaper in Canada is that individual incomes there are 24 percent lower than in the United States, and therefore manufacturers there are able to make and sell drugs at a lower price.

The doctor stresses, however, that up to 50 percent of any Canada-United States price-differential is due to the cost of legal liability in the United States. Americans, he says, ''sue more often, win their cases more often, and get much larger settlements than Canadians''—and those extra costs must be added to the price of United States drugs. In addition, he argues, much of the cost-differential is the result of the expensive continuous research and development effort in U.S. companies, where most of the world's new drugs and new cures are created.

In contrast to the significant progress of American medical technology, Dr. McArthur observes that Canada ranks ''right in there with Poland, Mexico, and Turkey near the bottom of the 29 OECD countries.'' He concludes that any suggestion by politicians that pharmaceuticals are much cheaper in Canada ''is just plain wrong.''

Mr. Speaker, I submit Dr. McArthur's article, ''What's So Great about Canada's Medical System?'' as printed in the Las Vegas Review-Journal on September 1, 2000, in the CONGRESSIONAL RECORD to enable all Americans to compare the real status of medical costs and services between our two countries.

[Las Vegas Review-Journal, Sept. 1, 2000]

WHAT'S SO GREAT ABOUT CANADA'S MEDICAL SYSTEM?

PATIENTS PAY MORE FOR DRUGS; MANY COME TO U.S. FOR TREATMENT

(By Bill McArthur)

VANCOUVER, B.C.—Some politicians are promising they can deliver cheap drugs for Americans by copying the Canadian system. Beware—the silly season lasts until Nov. 7.

The claim that pharmaceuticals are hugely cheaper in Canada is just plain wrong. Many drugs are much more expensive in Canada and generic prices are consistently higher. The Organization for Economic Cooperation and Development reports that prices for brand name drugs are overall 23 percent lower in Canada. However, individual incomes of Canadians are 24 percent lower and the standard of living is lower.

That is what happens when an economy is badly managed—wages and standard of living decline and manufacturers are able to make and sell drugs and other products at a lower price.

The politicians promoting Canadian drug pricing should quit loading the buses bound for Canada and consider loading up 747's heading to Southeast Asia. Drugs and other products are really cheap there. However, per capita income, standard of living and prices are inseparable and I doubt Americans want a Southeast Asian standard of living.

Dr. Richard Manning, when at Brigham Young University in 1997, demonstrated that up to 50 percent of any Canada-U.S. price differential was due to the cost of legal liability in the United States.

Americans sue more often, win their cases more often and get much larger settlements than Canadians. These costs have to be added to the price of drugs and artificially jack up the cost to consumers.

I'll bet the folks clambering on the buses to Canada haven't been told they have very little hope of collecting anything if they suffer serious complications from drugs prescribed and purchased in Canada.

The bulk of the world's new drugs are developed in the United States. Canada and many other countries do not do their share of pharmaceutical R&D. So if all the really cheap drugs for Americans are bought from Third World countries, who will do the R&D?

The drug companies will be fine because they will have switched to making largely unregulated veterinary drugs or more likely, nonpharmaceutical products.

But who is going to do the R&D to develop the cures for diabetes, osteoporosis, coronary artery disease, Alzheimer's, Parkinson's and all the other diseases that affect the elderly?

No one—that's who! And with those over 65 doubling to 25 percent of the population by 2025, what lies ahead for those now under 40, when they reach their golden years—ill health and poverty—that's what.

I am a practicing physician in the pharmaceutical nirvana lauded by some U.S. politicians. Every day I see my patients suffering in the collapsing health-care system that we have in Canada. In terms of medical technology we rank right in there with Poland, Mexico and Turkey near the bottom of the 29 OECD countries.

Patients wait months for a simple CT scan or an MRI. Recently I had to tell a lady she had cancer and also that she had to wait 10 weeks for the appointment to be assessed for treatment.

In Ontario in one year, 121 people were permanently removed from the coronary artery bypass graft list because they had waited so long, they were now too ill to withstand the surgery.

One hundred twenty-one, souls condemned to a slow, unpleasant and very expensive death because of the lack of timely care.

Every day I see patients suffering because government regulations prevent me from prescribing frontline drugs, or because our system of price controls and delays in approval mean that they are not available at any cost.

Just three years ago, I personally needed to drive periodically to Washington state to get medication that was not available in Canada. This is the system that some politicians say they would impose on the United States.

Provision of pharmaceuticals for the elderly, the poor and the chronically ill is an important objective in all civilized societies, but Canada does not provide an example to emulate.

Americans deserve something far better than Canada's ramshackle health-care system. Come to think of it, so do Canadians.

UNITED STATES HOLOCAUST MEMORIAL MUSEUM

SPEECH OF

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 7, 2000

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4115) to authorize appropriations for the United States Holocaust Memorial Museum, and for other purposes:

Mrs. LOWEY. Mr. Chairman, I rise in strong support of H.R. 4415.

The United States Holocaust Memorial Museum stands in our nation's capital in solemn testimony to the terrible power of senseless hatred and the ultimate triumph of faith and the human spirit. It guards the memory of the six million Jews and millions more who fell victim to Nazi Germany's genocidal persecution during World War II. And it stands as a symbol for those who survived this tragedy, assuring them that we are committed to keeping their stories alive.

An investment in the Holocaust Memorial Museum is an investment that strengthens the very fabric of our society. The nearly 15 million people who have visited the museum since its establishment have seen the pictures of murdered families, loyal and productive members of society, who were sent to their deaths for the crime of being Jewish. They have seen the gaunt bodies of survivors, liberated by allied troops from the death camps, facing the reality of families destroyed and lives shattered. They have seen the examples of the righteous, like Raoul Wallenberg, who risked their lives to defy Nazi hatred and save their Jewish brethren. Because of this museum, 15 million people know the price society pays when contempt triumphs over compassion, when people blinded by hatred are allowed to reign free.

In light of the events of the past decade, of the strife we have seen in Bosnia, Rwanda, Kosovo, and other places, it it more important than ever that we offer our full and unwavering support to the educational and cultural mission of the Holocaust Memorial Museum. It is a powerful rebuke to those who would divide us, both at home and abroad. It is a clear statement, a tangible symbol, of our active, ceaseless resistance to the darker impulses of humanity. It is a manifestation of our commitment to end hatred and bigotry in all their forms, to liberate those who face misfortunate and oppression, and to cherish the differences among the world's inhabitants. The museum is at once a monument to the past and a challenge for the future.

As a first step toward meeting this challenge, I urge my colleagues to support this bill.

INTRODUCTION OF HOUSE JOINT RESOLUTION REGARDING QUALITY OF CARE IN ASSISTED LIVING FACILITIES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. STARK. Mr. Speaker, I join today with my colleague Representative COYNE to introduce a House Joint Resolution relating to the quality of care in assisted living facilities.

As long-term care has emerged as a vital issue for the health and well-being of our nation's elderly, assisted living is emerging as a popular model. More and more consumers are drawn to the ideals of privacy and independence that are promoted by the assisted living industry. States have followed the trend by increasingly providing public funding via Medicaid's Home & Community-Based Services waiver for assisted living services.

Despite assisted living's popularity; however, there remain many questions regarding the direction of this industry. Assisted living facilities are defined and arranged in a variety of ways. Some view assisted living as housing residences while others view them as medical service providers. Many facilities often do not allow ''aging in place'' despite pictures painted by their marketing brochures. States have responded with varying definitions, regulations, and oversight, resulting in unequal consumer protections throughout the country.

Quality of care in assisted living facilities has been an issue of concern. A GAO study found that 25 percent of surveyed facilities were cited for five or more quality of care or consumer protection violations during 1996 and 1997, and 11 percent were cited for 10 or more problems. I understand that steps have been taken to address these concerns, but news reports of lawsuits filed on behalf of assisted living residents continue to illustrate the impact of poor quality on the health of elderly residents.

Just a few weeks ago in my district, an elderly woman passed away in an assisted living facility due to hemorrhaging from her dialysis shunt. Two times, she pressed her call pendant for help, but both of these calls were cleared and reset 10 minutes later. The facility did not place a 911 call for assistance until 1 hour and 34 minutes later. There was no nurse on duty, and all four resident aides in the facility at the time have denied responding to the calls or clearing/resetting the call system. This situation is still under investigation, but it highlights the seriousness of inadequate quality of care in these facilities.

A new Milbank Memorial Fund publication entitled, ''Long-Term Care for the Elderly with Disabilities: Current Policy, Emerging Trends, and Implications for the Twenty-First Century,'' by Robyn I. Stone is an excellent review of issues facing assisted living. As the article indicates there are many questions concerning the current and future state of the assisted living movement. Because of these questions, I am proposing a White House Conference to help advance our knowledge and awareness of these issues, and if appropriate, recommend public policy steps that are necessary to ensure the optimal development of this industry.

Mr. Speaker, I urge my colleagues to join me in increasing our understanding of the assisted living industry. By focusing on consumer protections and quality of care, we will work to ensure the health and well-being for our country's elderly.

I submit an excerpt from the Robyn Stone paper along with a May 8, 1999 New York Times editorial calling attention to problems in this sector:

ASSISTED LIVING

Another trend that is attracting attention from policymakers, private developers, and consumers is assisted living. One significant problem with this trend is the lack of a consistent definition used by providers, regulators, and policymakers. Some argue that ''assisted living'' is just a '90s label for a long-term care setting that has been around for centuries—another example of ''old wine in new bottles.'' Homes for the aged, frequently associated with nonprofit fraternal and religious organizations, proliferated in the nineteenth and early twentieth centuries to supply room and board for poor, infirm elderly people. Over the past three decades, sporadic attention has focused on scandalous mistreatment of residents in board and care homes, a version of homes for the aged that also became a refuge for the people with chronic mental illness in response to the deinstitutionalization frenzy of the 1960s.

In the 1980s the term ''residential care facility'' became fashionable as a catch-all label for places providing room, board, and some level of protective oversight. Hawes et al. (1993) have estimated that about a half million people live in residential care facilities or board and care homes in the United States. Perhaps twice that number are living in unlicensed facilities (November et al., 1997).

It is somewhat ironic that homes for the aged, board and care homes, and other types of residential care were replaced in the late 1960s and 1970s by nursing homes modeled after hospitals. ''Nursing homes'' have delivered far less nursing care than the name suggests. Today residential care is again in fashion. It is viewed as a desirable alternative to nursing homes because of its ostensibly less institutional character and its emphasis on a social, rather than a medical, model. A number of states, including Oregon, Washington, Florida, and Colorado, have aggressively tried to use residential care as a less costly substitute for institutions. One recent study estimates that anywhere between 15 and 70 percent of the nursing home population, nationwide, could live in residential care instead (Spector et al., 1996). Kane (1997) has questioned the judgment of hospital discharge planners who refer elders with disabilities to nursing homes, rather than alternative arrangements, because 24-hour care is supposedly available. She notes that remarkably little nursing care is provided in nursing homes. For example, a survey of nursing home residents in six states found that 39 percent of the residents received no care from a registered nurse in 24 hours; residents who did receive such care received an average of only 7.9 minutes; care by a nursing assistant averaged 76.9 minutes daily (Friedlob, 1993). Despite these arguments, empirical research has been equivocal on the

issue of the ''substitutability'' and cost savings of residential care compared to nursing home placement (Kane et al., 1991; Newcomer et al., 1995b; Sherwood and Morris, 1983). In fact, residential care is more likely to be a substitute for living in one's own home than in a nursing home.

What appears to distinguish assisted living from residential care in general and from the somewhat pejorative ''board and care'' is a matter of philosophy and emphasis on care, not just housing (Kane, 1997). Some have also suggested that assisted living is the rich person's residential care while board and care is for poor people who rely on federal Supplemental Security Income (SSI) and state supplements (SSP) to cover the costs. A recent survey of assisted living regulations in 50 states indicates that four states—Alabama, Rhode Island, South Dakota, and Wyoming—use the terms ''assisted living'' and ''board and care'' interchangeably (Mollica and Snow, 1996). For the other states, key characteristics differentiating assisted living from other types of residential care are: an explicit focus on privacy, autonomy, and independence, including the ability to lock doors and use a separate bathroom; an emphasis on apartment settings in which residents may choose to share living space; and the direct provision of, or arrangement for, personal care and some nursing services, depending on degrees of disability.

As noted in an earlier section on care settings, Hawes et al. (1999) recently completed the first national survey of assisted living, using a national probability sample of facilities that met several criteria. These include having 11 or more beds, primarily serving an elderly population; and providing 24-hour staff oversight, housekeeping, at least two meals a day, and personal assistance with two or more activities of daily living (ADLs). According to preliminary findings from a telephone survey, most facilities offer consumers a range of privacy options. Single rooms were the most common residential unit (52 percent); the rest of the units were apartments. The most common type of single room was a private room with a full bathroom; the most common apartment was a one-bedroom for single occupancy.

While most facilities reported a general willingness to serve residents with moderate physical limitations, fewer than half were willing to admit or retain residents who needed assistance with transfers from a bed or chair. Furthermore, fewer than half of participating facilities would admit (47 percent) or retain (45 percent) residents with moderate to severe cognitive impairment; only 28 percent would admit or retain residents with behavioral symptoms such as wandering.

In assessing the extent to which these facilities' characteristics match the philosophy of assisted living, Hawes et al., (1999) concluded that only 11 percent offered high privacy and high service. Another 18 percent provided high privacy but low service. Twelve percent offered low privacy but high service. The researchers noted that residents of these assisted living facilities had considerably more privacy and choice than residents in most nursing homes and in the board and care homes they had investigated in a previous study. Nevertheless, facilities varied widely. A substantial segment of the industry provided environments that did not reflect the philosophy of assisted living. Furthermore, the many facilities whose admission or retention policies excluded people with the cognitive impairments or severe physical disabilities suggests that assisted living is not an environment where those who experience significant functional decline can ''age in place.''

While assisted living does warrant serious consideration by policymakers, providers, and consumers, a number of impediments to its development need attention. Today, the assisted living market is primarily composed of the well-off elderly, with little available to moderate- or low-income consumers, as the recent study by Hawes et al. (1999) confirms. This gap is due, in part, to the limited sources and inadequate amounts of public financing (primarily SSI and SSP), which could help subsidize room, board, and care for financially strapped individuals and their families. The most common monthly rate for facilities offering either high service or high privacy was approximately $1,800 in 1998.

Other impediments to assisted living include concerns, expressed by state policymakers and potential private providers, about balancing consumer choice and privacy on one hand with health, safety, and liability considerations on the other. One major issue reflecting this concern is the degree to which states are willing to moderate their nurse practice acts to allow the delegation of certain tasks, such as administering medication, caring for wounds, and changing catheters (Kane, 1997). A number of states, such as Oregon, Kansas, Texas, Minnesota, and New York, have included nurse delegation provisions, but the latitude and interpretations of the provisions vary tremendously. Not surprisingly, they have met serious resistance by many nurses' organizations, for whom professional turf is as significant as care issues.

The motives of the assisted living industry have also been questioned. The industry includes more real estate developers and hotel managers than care providers. Furthermore, as nursing homes look for new markets and reimbursement strategies that circumvent government regulation, many skilled nursing facilities may simply lay carpet, install door locks, and hang out the ''assisted living'' shingle. Finally, there are questions about the amount of assistance that these facilities actually provide. According to the study by Hawes et al., 65 percent of the participating facilities supplied ''low service''; that is, they did not have an RN on staff or did not provide nursing care, although they did provide 24-hour staff oversight, housekeeping, two meals, and personal assistance. Another 5 percent, categorized as ''minimal service,'' supplied no personal assistance with ADLs. Given that many facilities do not admit or retain people with severe physical disabilities or cognitive impairment, the level of care is additional cause for concern.

[From the New York Times, May 8, 1999]

THE NEED FOR CARE AS WELL AS PROFIT

Among other things, the 1990's will be remembered as the decade when developers and older, affluent, anxious Americans discovered each other with enthusiasm, with results both encouraging and worrisome. The concept that both they and Wall Street have embraced is called assisted living. There is no common definition of it. Each of the 50 states regulates it differently, and the Federal Government not at all. But to older retirees who can pay to live in the new and reconditioned spaces sprouting across the country, the assisted living communities offer something irresistible. It is the promise of Pleasantville, where they can live out their lives gracefully, with hotel services, assistance when they need it, and the chance to hold off or avoid what many of the aged most fear—the nursing home.

For developers, some with no experience in caring for the aged, the attraction is clear. The number of old people of financial means is growing. Some 6.5 million now need some help with the chores of daily living. That figure is expected to double by 2020. Ten years ago there was not even an industry trade group. Today the Assisted Living Federation of American estimates there is a kaleidoscopic collection of about 30,000 such facilities in the United States, with a million old people living in them, almost all of whom pay their own way.

Some facilities fall into state licensing categories and some do not. Their average national monthly rate per person is $1,500 but elegant two-bedroom units on Long Island may rent for $5,000 or more. The National Investment Conference, a group that specializes in the senior housing market, found in a survey of 73 assisted living developments released this year that the median profit margin was 29 percent. For a quarter of the properties, it was more than 35 percent. Those numbers warm Wall Street, but do not guarantee that the communities deliver high-quality services.

Because the phenomenon has grown up around existing rules, many kinds of places can advertise ''assisted living.'' A Government Accounting Office survey, performed at the request of the U.S. Senate Special Committee on Aging, found that about half the residents sign up without being sure what services the facilities provide, how much they cost or what medical care the residents can count on. A quarter of the places surveyed were cited for five or more problems involving quality of care or resident protection within two years.

When Albert Fleischmann, 85, a St. Petersburg Yacht Club member and retired owner of a hardware chain, moved into an assisted living facility in Pinellas County, Florida, in 1997, his daughter was reassured. Patricia Fleischmann Johnson heads a charity that serves as guardian for 134 people in such places. But when Mr. Fleischmann suffered a heart attack at his table in the dining room this year, he was ignored. He called his daughter. She took him to the hospital. She then called back to ask the facility how he was, and was told—as if he were there—that he was ''fine.'' Because Mr. Fleischmann likes the place, he is still there. But his daughter, who testified before the Senate committee, is more concerned now, and she is not alone.

There are no pending bills in Congress, but 32 states are expected to consider legislation this year to increase regulation of the assisted living industry. They should do so. With so many frail lives and so much money involved, this issue is not going away.

HONORING DR. SAM CALLAWAY

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, it is with deepest sympathy that I wish to recognize the life and exceptional contributions of Dr. Sam Callaway. Sam Callaway passed away on July 12, 2000 at the age of 86. Dr. Callaway served the community of Durango, Colorado for forty-two years, beginning his practice in 1946 and retiring in 1998. Dr. Callaway cared for his patients, giving both time and compassion to each person he treated. His dedication was evident in his manner, his attitude of interest and in his practice of going to patients in need, day or night. Known for his bedside manner, Sam Callaway was a model of kindness and gentility. Dr. Callaway was not only appreciated and respected by his patients, but also by his colleagues. He was often requested to assist in surgeries. Dr. Callaway

was active in the community as well, serving as a member of the Durango Elks Lodge and Masonic Lodge. He served our country in the Navy during World War II as part of the medical corps in the South Pacific. Mr. Speaker, Dr. Callaway was a selfless man, giving endlessly to ensure the well-being of others. His service to this great nation, as well as his 42 years of medical service and countless years of kindness to the citizens of the Durango community, are honorable and worthy of recognition. I am confident that in spite of this great loss, the family and friends of Dr. Sam Callaway can take comfort in the knowledge that each is a better person for having known him. It is with this that I pay tribute to the life of this accomplished and wonderful man.

REPEAL OF THE FEDERAL CHARTER OF THE BOY SCOUTS OF AMERICA

HON. BENJAMIN L. CARDIN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CARDIN. Mr. Speaker, the House of Representatives recently voted on H.R. 4892, a bill to repeal the federal charter of the Boy Scouts of America. I voted against the bill, and would like to take this opportunity to explain my reasons.

My vote against this legislation should not in any way be interpreted as a weakeming in my support for banning discrimination on the basis of sexual orientation. I deplore discrimination on the basis of sexual orientation. I will continue to work to meaningfully expand our nation's civil rights protections for gays and lesbians.

At the same time, I share the concerns raised by others about the policy of discrimination that gave rise to the Supreme Court case in *Boy Scouts of America* versus *Dale.* Certainly we all recognize the high regard the Boy Scouts of America are held in by millions of Americans. The organization has played a positive role in the lives of millions of young Americans.

In June, a sharply divided Supreme Court held that applying New Jersey's public accommodations law to require the Boy Scouts to admit a homosexual member violates the Boy Scouts' First Amendment right of expressive association. As a practical matter, therefore, the Boy Scouts will be permitted to exclude citizens from participating in their organization solely on the basis of their sexual orientation. I regret the Supreme Court's decision.

Unfortunately, a Congressional review of the federal charter given to the Boy Scouts, and the process the Republican leadership has employed in bringing this bill to the House floor, is not the appropriate venue to address this issue. I am disappointed that the Judiciary Committee did not fulfill its responsibility to hold hearings on this legislation. I strongly believe that the Republican leadership has not properly reviewed the underlying legal and constitutional issues at stake in this bill, and I regret that the bill has been brought up under the suspension of the rules. Under this procedure, members have no opportunity to ask questions or offer amendments. Rather than considering legislation to revoke the federal charter of the Boy Scouts—which in and of itself will do nothing to protect our society from discrimination—this Congress should be considering substantive legislation to strengthen anti-discrimination laws based on one's sexual preference.

I also believe that Congress should conduct a comprehensive review of its system of granting charters to private organizations. As you know, Congress has chartered roughly 90 nonprofit corporations over the years, including many well-known patriotic, charitable, historical, or educational purpose organizations. I share the concems of my colleagues that the public may misinterpret the granting of a federal charter as a sign of Congressional or governmental approval of an organization. In 1989, the House Judiciary Committee decided to place a moratorium on federal charters. I believe the Committee should examine whether Congress should allow existing federal charters to lapse, so that Congress is no longer in the business of seeming to endorse private organizations.

Let me reiterate that I believe discrimination on the basis of sexual orientation is unacceptable. I will continue to support H.R. 1082, to expand federal criminal law protection to extend to sexual orientation, and I will continue to work for the enactment of the Employment Non-Discrimination Act (ENDA). I believe that the Congress must take concrete steps to revise government policies that would bring about a more inclusive American family, which embraces all of our citizens as individuals worthy of equal protection of the law.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. OWENS. Mr. Speaker, on Tuesday, September 12, 2000, I was unavoidably absent on a matter of critical importance and missed the following votes:

On H.R. 2090 (rollcall No. 460), Exploration of the Seas Act, introduced by the gentleman from Pennsylvania, Mr. GREENWOOD, I would have voted ''yea.''

On H.R. 4957 (rollcall No. 461), to amend the Omnibus Parks and Public Lands Management Act to extend the legislative authority for the Black Patriots Foundation, introduced by the gentleman from New York, Mr. RANGEL, I would have voted ''yea.''

On H.R. 3632, (rollcall No. 462), the Golden Gate National Recreation Area Boundary Adjustment Act, introduced by the gentleman from California, Mr. LANTOS, I would have voted ''yea.''

On H.R. 4583, (rollcall No. 463), authorization extension for the Air Force Memorial Foundation, introduced by the gentleman from Utah, Mr. HANSEN, I would have voted ''yea''.

On S. 1374 (rollcall No. 464), the Jackson Multi-Agency Campus Act, introduced by the gentleman from the other body, Mr. CRAIG of Idaho, I would have voted ''yea.''

HONORING DR. KENT VOSLER

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BOEHNER. Mr. Speaker, I rise today in recognition of Dr. Kent Vosler. On September 16, 2000 Dr. Vosler will be admitted into the Ohio State University Athletic Hall of Fame. In addition to his contribution to the Buckeye Diving team, Kent was also on the 1976 Montreal Olympic team.

Kent is one of a long list of great Ohio State divers. His accomplishments at Ohio State were many. He was a four time NCAA All-American and a four time Ohio State Scholar Athlete. While a senior in high school he won gold medals in 1 meter diving and in 10 meter platform diving at the national age group championships, and was coached at various times by Ohio State Hall of Famers Ron O'Brien, Vince Panzano and Hobie Billingsley. He later won four National AAU diving championships, was a member of the 1975 Pan American Games American team, and the 1976 Olympic team.

Kent was born December 6, 1955 in Dayton, Ohio but he now considers Eaton, Ohio, in the heart of Ohio's 8th Congressional District his home. He is the only Olympian to ever hail from Preble County, Ohio. All of Ohio is proud of Kent and I congratulate him on his many accomplishments.

HONORING DR. JOE VIGIL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, it is a privilege and an honor to have this opportunity to pay tribute to one of Alamosa's most well-loved and admired coaches, Dr. Joe Vigil, as he prepares to leave Adams State College after a decorated and distinguished 29-year career. Joe has been the embodiment of service and success during his time at Adams State and clearly deserves the praise and recognition of this body as he, his runners and the town of Alamosa, Colorado celebrate his groundbreaking career.

If ever there were a person who embodied the spirit and values that motivate others to achieve success, it is Joe. He has distinguished himself through his exceptional leadership and service that have placed him amongst the elite running coaches in the country. He was voted No. 3 on the list of Colorado's top collegiate coaches in the past 100 years and received the honor of NCAA and NAIA Coach Of The Year 14 times. He has also served the United States as an international coach on 17 different occasions, including several Olympic Games. Most notably, Joe coached his teams to 18 national championships, accounting for more than 350 All-Americans.

Mr. Speaker, Joe's commitment to his community has been so great that it led the Alamosa City Council to proclaim August 12, 2000, Joe I. Vigil day. Their proclamation reads:

''Whereas Dr. Joe I. Vigil has led Adams State College teams to athletic excellence

over the years, whereas he has successfully coached numerous Olympic and champion athletes, whereas he is an inspiration for recreational runners and a role model for all, whereas he represents Alamosa nationally and internationally as an athletic ambassador, now therefore, I, Charles J. Griego, Mayor Pro Tem of Alamosa, Colorado, by virtue of the authority vested in me, do hereby proclaim August 12, 2000, as Dr. Joe I. Vigil Day in the City of Alamosa, Colorado.''

As Joe celebrates leaving Adams State College and Alamosa, Mr. Speaker, I wanted to take this opportunity to say thank you and congratulations on behalf of the United States Congress. In every sense, Joe is a great coach who deserves praise and admiration from all of us. I wish him the best of luck as he continues to pursue his coaching career in Green Valley, Arizona. Joe is one of the nation's best and someone we can all be proud of.

My thanks to him for a job well done.

HONORING ART FURUYA

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to honor Mr. Art Furuya, formerly of Nashville, Illinois. While he may no longer reside in my district, there is a valuable lesson we can learn from his story.

When most 17 year olds think of cars, proms and graduation, Art's thoughts turned to defending his country. You see, December 7, 1941, the day Pearl Harbor was attacked, was Art's birthday. The following Monday, Art, who is of Japanese descent, went to enlist in the war effort. He tried to enlist in the Army, Navy and Marines, but none would take him because of his Japanese heritage.

He and his family were separated and were victims of the internment camps. Surprisingly, after suffering that great injustice, the one thing that never left his heart was his love of America.

After leaving the camp, he was finally allowed to enter the Army in 1943 as part of the heavy weapons battalion of the 442nd Regimental Combat Team along with many Japanese Americans. The fact that he had little training and did not know how to put up a tent made little difference to Art. He was eager to serve and fight for the land he loved.

The 442nd may be best known for their ''Go For Broke'' mantra when they were rescuing about 200 fellow soldiers of the 141st Regiment of the 36th Division. Eight hundred men died in that rescue effort. His company started with 150 men and ended up with 16 after that fateful battle. Art won 2 Purple Hearts for his service.

The 100th Infantry Battalion and the 442nd Combat team, in which Art served, gained a total of 18,143 individual decorations, 9,486 Purple Hearts, and 560 Silver Stars and 7 Presidential Unit Citations. Not a bad record for a group of men that were originally unwanted and deemed suspicious by others.

There has been much written about the ''Greatest Generation''—those World War II vets who set forth and saved the world. I don't know if we as a nation can adequately give thanks for their blood, sweat and sacrifice. In many respects, Art and his comrades symbolize the unyielding human spirit—overcoming any obstacle, no matter how difficult, without the expressed purpose of gaining fame or glory. They were just doing their duty. No more. No less.

To Art Furuya, his comrades in his battalion and to those that never made it home from this great war, you have earned this soldier's respect. Thank you for all your service.

SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SAXTON. Mr. Speaker, I welcome Prime Minister Atal Behari Vajpayee of India—the Prime Minister of a key strategic ally of the United States and an important partner in the struggle against international terrorism. Mr. Vajpayee's government has achieved significant economic development, modernization, and consolidation of democracy in India. These accomplishments are all the more impressive when examined in the context of the terrorism India has to cope with on a daily basis. It is so easy for any government to seize on such a threat in order to centralize power at the expense of personal freedoms. It is so tempting to cite foreign security threats in order to legitimize a military coup. However, New Delhi has elected to fight terrorism and develop India without infringing on the population's democratic rights and freedoms. And this is a major, yet unheralded, triumph of both Mr. Vajpayee's government and the people of India.

To comprehend India's recent achievements one must take a closer look at the terrorist threat posed to India.

Despite undeniable achievements of the Indian security forces, the situation in Kashmir continues to deteriorate. The forces used against India now include a combination of Kashmiri fighters and a growing number of foreign operatives.

The terrorist threat to India goes beyond the disputed Kashmir. Only a couple of weeks ago, Abu Abdul Aziz, one of the key Pakistani-sponsored Islamist leaders publicly defined the ultimate objectives of the Kashmiri Jihad: ''Our destination is not Kashmir. Our aim is that all of India be converted into a Muslim state.'' There was not a word of recrimination or even disassociation from Islamabad.

In examining India's struggle against terrorism, one must remember the unique geostrategic importance of the Indian sub-continent. North-west India, including Kashmir, is located at the edge of the Arc of Crisis. Stretching from the Caucasus in west, through Central Asia to northern India and the northwestern Chinese province of Xinjiang, the Arc of Crisis is emerging as the world's next primary reserves of oil and gas—the Persian Gulf of the 21st Century. The Arc of Crisis is also the continental gateway to China and the Far East. Long term stability in the Arc of Crisis is therefore an indispensable interest of the United States. The long and deep coast-line of the Indian subcontinent are crucial for the stability and safety of the maritime commercial traffic in the Indian Ocean—mainly between Europe, the Persian Gulf and East Asia. The safety of maritime commerce in the Indian Ocean, as well as the oil fields of the nearby South China Sea, are also indispensable interests of the United States and the West. A friendly India is the key to furthering these U.S. interests.

Hence, India is a bulwark of regional stability and consequently a guardian of crucial strategic and economic interests of the United States and the entire West. The national interest of the United States is to have a strong, democratic and prosperous India as an ally and a partner. India can stabilize the volatile yet crucial region—ensuring that the strategic and economic interests of the U.S.-led West are furthered and not infringed upon. Moreover, the rapid economic development growth of India makes it a most promising trade partner with the United States. For example, India's burgeoning software-developing industry is a major contributor to the U.S. computer industry. In the era of growing globalization, the U.S. can and should benefit from the Indian economic surge. However, to fully realize its potential, India must be free of subversion and terrorism.

Therefore, the terrorism waged against India harm the national security and economic interests of the United States. Ultimately, a strong, democratic, and economically viable India serves and furthers the U.S. national interest. Hence the U.S. should stand side-by-side with India and cooperate in its struggle against terrorism. The U.S. should help the democratic goverment in New Delhi to continue and maintain the delicate balance between resolutely fighting terrorism and preserving democracy, civil rights and a rule of law for all. So far, the record of Mr. Vajpayee's Government has been both impressive and improving. The United States should applaud India for its reform efforts in the face of terrorism.

TRIBUTE TO MR. ALBERT AUGUST ''GUS'' KARLE

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am proud to honor Mr. Albert August ''Gus'' Karle. Mr. Karle, who has served the Waycross-Ware County community for forty-five years, has decided to step down from his position as president of the Waycross-Ware County Chamber of Commerce.

Mr. Karle has been a dedicated member of the Waycross-Ware County community for many years. He has worked in the private sector for forty-one years, thirty-six years for the railroad, before retiring and dedicating his time to the Waycross civic arena. Mr. Karle has unselfishly assisted the YMCA, the Downtown Waycross Development Authority, and the Waycross-Ware County Chamber of Commerce, where he served as President for five years before retiring in June of 2000.

The Waycross-Ware county community and myself are proud of Mr. Karle's service and dedication. His leadership and prior activity in both the local civic and church affairs will be greatly missed but certainly not forgotten.

HONORING FLOYD E. ESPINOZA

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend Costilla County Commissioner Floyd E. Espinoza on his contributions to his community. The Honorable Mr. Espinoza has served Costilla County since 1994 and has fought hard to increase the tax base in his area. December will conclude Mr. Espinoza's six-year service as County Commissioner.

Mr. Espinoza spent over three decades in the Federal Government before moving to elected office. These thirty some years were spent in the Air Force and United States Department of Interior. Mr. Espinoza's contributions and leadership to Costilla County have made it a better place for all of its citizens to live.

Mr. Espinoza has served his community in outstanding fashion and I wish him the best in his future endeavors.

Floyd, your community, State, and Nation are proud of you and we're grateful for your service.

TRIBUTE TO DICK WALDEN

HON. SAXBY CHAMBLISS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CHAMBLISS. Mr. Speaker, today I am proud to honor Mr. Dick Walden of Warner Robins, GA. Mr. Walden is retiring from his position as president of the Warner Robins Chamber of Commerce after devotedly serving the local business community for 16 years.

Mr. Walden's retirement will bring a close to 30 years of accomplished service in Chamber of Commerce Management. He has served five chambers in Georgia and Florida, as well as serving on the board of directors of both the Georgia and Florida chamber of commerce executive associations. Mr. Walden's achievement has been appreciated by many as the Georgia Chamber of Commerce Executives Association named him Chamber Professional of the Year in 1991. His accomplishment is apparent through the growth and economic progression that Warner Robins has experienced under his leadership. The number of member businesses in Warner Robins has more than grown from 310 to 1,336 under his direction.

Warner Robins has benefited immensely from the contributions of service and devotion that Mr. Walden has made to the area. The economic health experienced over the past years is a reflection of Mr. Walden's hard work and dedication. I appreciate all of his accomplishment and hope for his continued success in future endeavors.

FSC REPEAL AND EXTRA-TERRITORIAL INCOME EXCLUSION ACT OF 2000

SPEECH OF

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KUCINICH. Mr. Speaker, American taxpayers will choke on the discovery that HR 4986 contains a big tobacco subsidy. In effect, this bill holds American taxpayers responsible for coughing up $100 million per year, in lieu of taxing the tobacco industry on income from cigarette sales in Africa, Asia and Latin America.

According to the World Health Organization, 10 million people will die annually by 2030 from smoking, 70 percent in developing countries. Why should American taxpayers subsidize the spread of tobacco-related diseases and cancer in the world's poorest countries? That's what HR 4986 does.

Supporters of the bill may argue that a wider spectrum of business benefits from HR 4986 than merely the tobacco industry, so why ''throw the baby out with the bath water.''

This is, however, a false choice. We could have considered this bill under regular order, where members could have offered amendments. It is only because the House leadership brought this bill up under suspension of the rules, and as a consequence, no member can offer an amendment, that we are faced with rejecting the whole bill because of the tobacco subsidy.

But I urge my colleagues to confront the situation we have been given, and still insist on what is right. Take a deep breath and reject this bill.

RECOGNIZING RAUL CARABAJAL FOR RECEIVING THE NATIONAL ASSOCIATION OF LETTER CARRIERS' REGIONAL HERO OF THE YEAR AWARD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize Raul Carabajal of Fairfield, California, for receiving the National Association of Letter Carriers' Regional Hero of the Year Award.

Mr. Carabajal is being recognized for his selfless and heroic act of rescuing a postal customer from a smoky house fire. While delivering mail, as he had for the past 15 years, along his regular route, Mr. Carabajal spotted smoke rising in the sky above the neighborhood rooftops. Following the smoke, Mr. Carabajal arrived at a house on fire, ran to the door, pounded it open, then dropped to his hands and knees and crawled into the house.

Blinded by smoke, he followed sounds until he saw the pale arm of an elderly woman as she lay in the hallway. He immediately dragged the woman out of the house to safety and returned into the house to rescue her two Pomeranian dogs, leading them to safety through the garage.

Hearing the siren of fire trucks arrive, Mr. Carabajal quietly jumped back into postal vehicle and resumed his normal mail deliveries.

Mr. Speaker, Mr. Raul Carabajal put his own life on the line to save the lives of an elderly woman and her two pets. This valiant and noble act is the reason for his receiving the Regional Hero of the Year Award from the National Association of Letter Carriers.

Mr. Speaker, it is appropriate at this time that we recognize Mr. Raul Carabajal for his bravery and commitment to the community. Congratulations to Mr. Carabajal for receiving this distinguished award.

HONORING BEN BEALL

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to commend the Honorable Ben Beall for his outstanding public service to the State of Colorado. After nearly a decade of service to his community, Ben is stepping down as Routt County Commissioner. He has served his community admirably and I would like to pay tribute at this time, to his career in public office.

During his distinguished tenure as a Commissioner, Ben strove to ensure that the agricultural needs of Colorado's farmers were respected and preserved. Ben's desire to help others has also led him to get involved with a number of different community organizations. Ben has served as Chairman of the Emerald Mountain Partnership, and the Routt County Democratic Party. He also served on the Yampa River Basin Partnership, the Northwest Transportation Planning Commission, and the Yampa River System Legacy Project.

Ben has worked diligently to ensure that his community is a better place for all its citizens. His hard work and outstanding leadership will be greatly missed. Ben, on behalf of the State of Colorado and the US Congress, I thank you for your service.

Good luck with all of your future endeavors.

PERSONAL EXPLANATION

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. OWENS. Mr. Speaker, on the afternoon of September 7, 2000, I was unavoidably absent on a matter of critical importance and missed the following vote:

On H.R. 4844 (rollcall No. 459), to modernize the financing of the Railroad Retirement System and to provide enhanced benefits to employees and beneficiaries, introduced by the gentleman from Pennsylvania, R. SHUSTER, I would have voted ''yea.''

DICK WARDROP JR. AND AK STEEL'S SUCCESS UNDER HIS LEADERSHIP

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BOEHNER. Mr. Speaker, I submit these remarks in commemoration of The National

Safety Council's announcement that AK Steel Chairman and CEO Dick Wardrop Jr. has been selected as the inaugural recipient of its Green Cross for Safety Medallion. The National Safety Council is a non-government, non-profit international membership organization dedicated to promoting safety, health, and environment quality in the nation's workplaces. Their award is presented annually to the American corporate leader who has demonstrated a longstanding commitment to workplace safety and corporate citizenship. NSC President and CEO Gerald Scannell recognized AK Steel as one of the nation's leaders in creating and maintaining a safety culture throughout the company; as well as communicating its commitment to safety to its shareholders and the public, and making safety a core value within the AK Steel organization.

Forbes Magazine, in its January 11, 1999 issue, named Dick Wardrop to its ''Platinum List'' for leadership in steering AK Steel to its position as the best-performing company in the metals industry. AK Steel has also been named to the Fortune 500 list, Fortune Most Admired Companies list, Industry Week's 100 Best Managed Companies in the World list and the Cleveland Plain Dealer 100. Wardrop joined AK Steel in 1992 and was instrumental in turning the troubled firm, then known as Armco Steel Company, L.P. into one of the country's most successful steel companies. AK Steel has led the steel industry in operating profit per ton, a key industry measurement, for more than six consecutive years. Since 1992, AK Steel's financial performance has been as much as four times higher than the industry average. AK steel could not have reached such a high standard without the dynamic leadership and personal commitment to being ''first in safety,'' the consistent message of the company's top officer, Mr. Wardrop.

In addition to his zero injury and injury prevention policy, Mr. Wardrop has led AK Steel as the nation's leader in quality of life for its plant environment and corporate grants and donations to the community. AK Steel has its headquarters in Middletown, Ohio and has about 11,000 employees in plants and offices in Middletown, Coshocton, Mansfield, Warren and Zanesville, Ohio: Ashland, Kentucky; Rockport, Indiana; and Butler, Sharon and Wheatland, Pennsylvania.

Mr. Dick Wardrop Jr. is a true leader whose hard work and dedication should serve as an example for us all. Every American should aspire to this kind of enthusiastic commitment to service. I am proud to know and represent a person like Mr. Wardrop and AK Steel Congress. As Mr. Scannell said, ''Dick Wardrop has set an extremely high standard of corporate citizenship against which all future nominees will be judged.''

HONORING SHIRLEY MOTLEY PORTWOOD

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SHIMKUS. Mr. Speaker, I rise today to honor a local author, Shirley Motley Portwood, from Godfrey, Illinois.

Ms. Portwood is a history professor at Southern Illinois University and recently penned her first book, ''Tell us a Story: An African-American Family in the Heartland.'' What started as a personal project of collecting stories for her grandchildren soon snowballed into a collage of stories about her family growing up in southern Illinois.

I am thankful to Shirley for reinforcing the value of sharing one's family heritage with the younger generation. For it is our history that teaches us the greatest lessons in life.

HONORING WAYNE MOOREHEAD

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. MCINNIS. Mr. Speaker, it is with great sadness that I take this moment to celebrate the life of Wayne Moorehead. After an extensive battle with heart disease, Wayne passed away in his sleep at the age of 84. While friends and family remember this accomplished journalist, I too would like to pay tribute to this great American.

Wayne brought a smile to everyone he came in contact with. His infectious laugh and great sense of humor will be greatly missed. Wayne is, to say the least, a celebrity in southern Colorado, leaving an impression upon many that he came into contact with. Karen Maas-Smith, from a recent article by Charlie Langdon in the Durango Herald, said this about Wayne: ''When I heard of his passing, I instantly missed him, but I can't reflect on him without smiling. His laughter was his greatest gift. He himself was a gift to the planet.''

Wayne always found a way to find something positive out of every situation he was in. His sense of humor helped to ease tensions in the news rooms and press meetings where he spent most of his professional life.

Wayne's love for life and his fellow man was obvious in his every action. No matter the difficulty of the situation, he always seemed to find a way to get through it with a smile. His illuminating persona will be greatly missed by the community of Durango.

Wayne was a great journalist and a great friend of Colorado.

CLEAN WATERS AND BAYS ACT OF 2000

SPEECH OF

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SAXTON. Mr. Speaker, I want to commend my colleagues on the Transportation Committee for bringing this measure before the House. Earlier today the House adopted our colleague WAYNE GILCHREST'S Estuary Habitat Restoration bill. That bill provides an additional source of funds from the Corps of Engineers, in consultation with other Federal agencies, to restore the environmental health of our estuaries. As you know, most of the major estuaries in the United States have prepared plans under National Estuary Program to conserve and manage important estuary resources. Unfortunately, funds to implement those plans, particularly the expensive restoration components have been hard to come by. WAYNE'S bill, in conjunction with provisions that I authored which are also included in this package, will help address that problem.

The provisions that I originally introduced as H.R. 1237 were passed by the House in May, and I am glad to see that they are again included in this estuary package. H.R. 1237 authorizes the funds to implement, in addition to just prepare, National Estuary Program plans. This is particularly important in my district where the Barnegat Bay Estuary is surrounded by a densely populated area. This high volume of land and water use makes wise and active management essential to protect and preserve the estuary's important ecological values. The Barnegat Bay Estuary Program has prepared a plan that I believe is up to the task of wise and active management, but only if it is implemented. Passage of this legislation, including H.R. 1237, is needed to assure that funds for implementation are available.

I also commend the Committee for including in this package the Chesapeake Bay Program reauthorization provisions written by our late friend from Virginia, Herb Bateman. The Chesapeake Bay defined his congressional district, and it is only right that we make sure his bill becomes law this year.

Estuaries fuel the growth of our fisheries and provide us with many recreational opportunities. However, the qualities that make them so special must be actively and aggressively guarded. This bill gives the tools we need to provide that protection. I urge my colleagues to support it this evening.

HONORING THE INDIAN TEACHER EDUCATIONAL PERSONNEL PROGRAM AT HUMBOLDT STATE UNIVERSITY

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. THOMPSON of California. Mr. Speaker, today I recognize the 30th anniversary of the Indian Teacher and Educational Personnel Program (ITEPP) at Humboldt State University in Arcata, California. Since its establishment, ITEPP has trained hundreds of students for successful careers serving Native American communities across the nation.

ITEPP was the nation's first Indian teacher-training program created to address the dropout rate of American Indian students. It originated from the vision of tribal leaders and educators who believed Native students would respond better to Native teachers who were not only able to teach the basic academic public school curriculum, but could maintain the tribal and cultural identities of their students. In the mid-80s the program expanded to include training for other educational personnel such as social workers, administrators, guidance counselors, and tribal service professionals.

Students from across the nation representing numerous tribes have participated in the program. Over ninety percent of the students have graduated and the program has a one hundred percent employment rate. With this measure of success ITEPP has also become a model for other Native teacher-training

programs throughout our nation as well as Canada and Australia.

Mr. Speaker, it is appropriate that we honor the accomplishments of the Indian Teacher and Educational Personnel Program on the occasion of its 30th anniversary and honor the hard work and dedication of its graduates who have furthered education and served their community.

IN HONOR OF THE 25TH ANNIVERSARY OF ST. PROCOP LADIES' GUILD

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in recognition of the valuable services to the community which the St. Procop Ladies' Guild has provided throughout its 25 year history.

The organization, founded in September of 1975, prides itself on serving the needs of the local community. It has maintained an outstanding commitment to the achievement of this task. St. Procop Ladies' Guild organizes a wide range of fundraising events with the aim of invoking an atmosphere of community spirit and inclusivity. These events include monthly card parties, bake sales, craft shows, and pancake breakfasts.

Such events are designed with the aim of providing aid for the less fortunate members of our community. The parish organizes a weekly meal program for the needy. Their commitment to such noble causes should receive due recognition and respect. In addition, the parish organizes a variety of social and spiritual events which add immeasurably to the vibrancy and vitality of community life.

A community benefits when its residents reach out to one another, to lend a hand during a time of need. The enduring commitment of the St. Procop Ladies' Guild reflect the finest level of love and caring for their community. On behalf of the Greater Cleveland Community, I extend my sincere gratitude for their good works.

My fellow colleagues, I rise today in honor and recognition of the St. Procop Ladies' Guild and their valuable contribution to community life.

HONORING KEITH CLARK

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. MCINNIS. Mr. Speaker, it is with profound sadness that I ask for this moment to celebrate the life of Keith Clark. Keith was a model citizen and a highly respected educator in Grand Junction, Colorado. Keith left an indelible impression upon many he came in contact with and he will be deeply missed.

Keith grew up during the Great Depression where hard work wasn't an option, it was part of everyday life. Keith took these values to heart, serving his country with distinction in World War II as a B-52 pilot. After returning States side, Keith finished his formal education, an education that would ultimately lead to a career that would have an immense impact upon thousands of Colorado's youth.

After receiving his education from Mesa State College, and his teaching certificate from the University of Northern Colorado, Keith began his illustrious teaching career. For nearly 30 years, he ensured that Grand Junction's youth understood the importance of knowledge and learning. His techniques and style were at times considered unconventional, but for many students, Keith's unorthodox approach sparked an intellectual curiosity that would remain with them for the rest of their life.

Larry Beckner summed up the incredible impact that Mr. Clark had upon his life in an article by Rachel Sauer in The Grand Junction Daily Sentinel: ''He instilled in me the belief that whatever is out there, I can do it. That was the attitude that he had and the attitude I picked up from him.'' Keith taught students to realize the importance of life and how to appreciate it. He also helped young people to learn the value of being a student. Beckner also had this to say: ''He turned me around from being just a person in school to being a student. He opened my eyes to community involvement, to political issues and he made me a student.''

Keith Clark exemplified the ideals of what it means to be an American. He fought to protect this country's highest ideals during World War II and he worked tirelessly to promote the importance of a good education to his students. Both at home and abroad, Keith was a genuine American hero.

Mr. Speaker, at this time I would like to extend my condolences on behalf of the State of Colorado and the U.S. Congress to the family of a true American patriot, Keith Clark. Keith touched the lives of thousands of people. Though he is gone, his proud legacy will live on in the family, friends and students who were blessed to know him.

LITERACY INVOLVES FAMILIES TOGETHER ACT

SPEECH OF

HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. KIND. Mr. Speaker, as a member of the Education and Workforce Committee, I rise in support of this family literacy measure, and to applaud the leadership of Chairman GOODLING as he finishes a long and distinguished career both on our committee and in this chamber.

I am particularly pleased to support the LIFT Act because earlier this year, an organization in my Congressional District received an award from the Secretary of Education proclaiming it as an outstanding program in adult literacy services.

The Chippewa Valley—Literacy Volunteers of America has been providing family literacy services in the Eau Claire area for nine years. In general, Even Start—Family Literacy programs provide ''four legs'' of support in helping families who face unique education challenges. Using Even Start—Family Literacy seed money, the Chippewa Valley Literacy Volunteers have been able to provide services for (1) early childhood, (2) adult education, (3) parenting education, and (4) parent and children relationships.

The community in which this group operates has a large Hmong population, who have been especially well-served by this program through both English-as-a-second-language classes and parent-child development assistance. The Chippewa Valley group has also been successful in assisting families move from welfare to work.

In fact, Wisconsin is home to a variety of such programs that have successfully used Even Start money as seed funding while developing funding mechanisms from local community sources as well as other federal programs.

Even Start provides the kind of services we should all like to see enacted in our communities; services that we as federal policy makers should be proud to assist. These are comprehensive, integrated efforts to help whole-families, and to assist the most needy in our communities reach self-fulfillment and self-sufficiency.

I am pleased Chairman GOODLING pursued bipartisan support for this bill in an effort to give our communities effective, useful resources to help families.

In closing, I must also say that I am pleased to have served with Chairman GOODLING on the Education and Workforce Committee. I always appreciate his fairness and no-nonsense approach to committee business. I hope this body as a whole will honor the legacy of my friend from Pennsylvania and strive to pass effective, quality education legislation.

A TRIBUTE TO KITTY CARLISLE HART

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mrs. LOWEY. Mr. Speaker, today I express my great admiration for Kitty Carlisle Hart, an extraordinary actress, singer, advocate, and community leader who this year celebrates her ninetieth birthday.

Kitty Carlisle Hart's contributions to the arts have been remarkable. She first appeared on Broadway in ''Champagne Sec,'' made her debut with the Metropolitan Opera as Prince Orlofsky in ''Die Fledermaus,'' "'and starred in the American premiere of Benjamin Britten's ''Rape of Lucretia.''

Her career on film has been equally impressive, including roles in ''A Night at the Opera,'' ''She Loves Me Not,'' ''Here Is My Heart,'' ''Radio Days, '' and ''Six Degrees of Separation. ''

Millions of Americans know and love Kitty Carlisle Hart from her fifteen year run as a witty and endearing, panelist on ''To Tell The Truth. '' Her sparkling personality helped make that program a national phenomenon.

In New York, Kitty Carlisle Hart has distinguished herself as one of our most valuable citizens. She chaired the New York State Council on the Arts, which supports countless cultural activities, and worked with Nelson Rockefeller to expand opportunities for women. Kitty Carlisle Hart has also devoted her time and energy to a variety of educational institutions and museums, always infusing her work with a passion for the creative spirit.

For these efforts and many others, Kitty Carlisle Hart was awarded the National Medal of Arts by President George Bush in 1991.

Throughout her splendid life, Kitty Carlisle Hart has delighted audiences and inspired all Americans to value the arts. As she celebrates her ninetieth birthday in the company of friends, I am delighted to offer my heartfelt thanks and sincere admiration.

IN HONOR OF THE 140TH ANNIVERSARY OF HOLY NAME PARISH

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today in honor of the 140th Anniversary of Holy Name Parish and its continued commitment to the well-being of the community.

Its establishment, on September 23, 1859, marked the beginning of a community in which tens of thousands were baptized and guided by the teachings of the Catholic Church. Throughout years of service it has truly represented a beacon of hope for the Harvard Broadway area. It has earned commendation of the highest order through its success in weaving the values of religion into the fabric of community life.

Holy Name's history has been one of remarkable service. From its humble beginnings serving the Irish immigrants who met at Patrick Potts' farmhouse for Sunday services, it has maintained a long and noble tradition of active participation in community life. Holy Name Parish has made a vital contribution to local education. It has provided tens of thousands of children with an exceptional education grounded in the values of faith, tradition and spirit. Holy Name established the first coeducational parochial school in Cleveland. The institution was early to recognize the true value of education for all, irrespective gender.

Its role in providing for the needy represents a true and honorable expression of human values. For the people of the Harvard and Broadway area, it has become a place in which their hopes and dreams may thrive and prosper. Clearly the great significance of such services must be duly honored.

With such a formidable history Holy Name's significant role in community life will continue to be as healthy and vibrant as ever in the new Millennium. My fellow colleagues, please stand with me in honoring the outstanding work of Holy Name Parish.

HONORING JOHN FREW

HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINNIS. Mr. Speaker, I would like to take this moment to honor the considerable efforts of my friend, John Frew, during his accomplished tenure at Colorado Ski Country USA, the distinguished association that represents Colorado's ski industry. Recently, John announced that he was stepping down as its President and CEO. As John moves on, I would like to take this opportunity to thank and pay tribute to him for his dedicated service.

You don't have to know much about the great State of Colorado to know that skiing is an important part of who we are, both economically and culturally. For years, Colorado Ski Country USA has been the unified voice of this important industry. And when this already highly regarded organization hired John Frew, that voice only got stronger.

Colorado Ski Country USA brought John in to strengthen the operation, increasing its visibility and stepping up its role in the public policy arena. As someone in that arena, Mr. Speaker, I can say without hesitation to John: mission accomplished. Under John's leadership, Colorado Ski Country USA has thrived and for that the entire State of Colorado is grateful.

It is with this that I say congratulations to John on his successful stint with Ski Country USA and wish him all the best as he returns to Brownstein, Hyatt & Farber P.C.A.

John, your community, state and nation are thankful for your service.

UNION BANK OF CALIFORNIA RECOGNIZED BY SECRETARY OF LABOR FOR EQUAL EMPLOYMENT OPPORTUNITY EFFORTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to the Union Bank of California on receiving the Secretary of Labor's Opportunity 2000 Award. This award is presented annually by the U.S. Labor department's Office of Federal Contract Compliance Programs to Federal contractors and public interest groups with exceptional equal employment opportunity programs. The Union Bank of California has been selected for its programs for hiring and promoting women, minorities and those with disabilities.

Mr. Speaker, I am delighted that Labor Secretary Alexis M. Herman has recognized Union Bank of California for its efforts. I join her in commending Union Bank on this long history of service, and I congratulate the Bank and its officers on receiving the Opportunity 2000 award for outstanding leadership in its equal opportunity programs.

Mr. Speaker, since its founding in San Francisco on July 5, 1864, Union Bank has made it its business to be more than just a successful bank; it has sought to be an integral contributor in advancing our common interests. This sense of community service took its earliest form in developing the infrastructure and trade of the West coast in the late 19th century. Union Bank helped fund the completion of the coast-to-coast railroad; it invested in early exploration of Alaska leading to its purchase by the U.S.; it financed the building of California's first large-scale Central Valley irrigation project; and it negotiated trade between the United States and Japan. These achievements demonstrate that the Union Bank of California has, from the beginning, had its priorities rooted the welfare of the public.

And, it is clear from its receiving the Opportunity 2000 award, that those priorities have not changed. Today, Mr. Speaker, Union Bank's commitment to a better future is founded in its belief in the value of a diverse workforce. This has literally shaped the entire nature of the company, from its board of directors to entry-level employees. Boasting 7 minorities out of 17 members on its board of directors, Union Bank has quadrupled the number of women and doubled the number of minorities since 1996. These efforts by Union Bank represent a unique commitment in corporate America that it makes both good business sense and good moral sense to strive for including all in employment opportunities.

Takahiro Moriguchi, President and CEO of Union Bank of California, expressed the Bank's enlightened view: ''By searching for talent from among the disabled, both genders, veterans, all ethnic groups and all nationalities, we gain access to a pool of ideas, energy and creativity as wide and varied as the human race itself. I expect diversity will become even more important as the world gradually becomes a truly global marketplace.'' This type of leadership and this kind of vision have earned Union Bank the top position in Fortune Magazine's listing of ''The 50 Best Companies for Asians, Blacks, and Hispanics.''

Union Bank is clearly a trend setter, and I hope it can serve as inspiration and motivation to the rest of corporate America to realize how aggressively promoting equal employment opportunity programs is in the best interests of both corporate and non-corporate America.

Mr. Speaker, Union Bank has always been focused on the betterment of society, whether it be the development of the infrastructure and trade in the west or the development of equal opportunity programs that help unleash the talent of a workforce previously held back by discrimination. Union Bank should be commended for this dedication to social progress, and I congratulate the bank and its officers upon receiving Secretary of Labor Herman's Opportunities 2000 Award.

HONORING THE SERVICE AND SACRIFICE OF THE UNITED STATES MERCHANT MARINE

HON. CHARLES W. STENHOLM

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. STENHOLM. Mr. Speaker, I rise today to recognize a group of men and women who, throughout the history of this great nation, have served valiantly during times of wars and peace. The U.S. Merchant Marine fleet and the people who crew it, are a critical component of the economic strength and national security of America. From the earliest days of the Revolutionary War, when Merchant ships carried goods to Colonial outposts, through recent operations in Yugoslavia, merchant sailors have sailed into harms way to provide support to the Armed Forces by carrying the equipment, supplies, and personnel necessary to maintain war efforts. Numerous members of the United States Merchant Marine have made the ultimate sacrifice to help secure peace and freedom. During World War II the Merchant Marine had the greatest percentage of lives lost of any military service, with the exception of the Marine Corps. Included in that loss were 142 cadet-midshipmen from the United States Merchant Marine Academy.

There are Merchant Mariners and Merchant Marine Veterans all across this great nation, even in the land-locked 17th District of Texas,

and those of us who live there are safer because of their service and dedication. The Merchant Marine's role in the defense of this nation is under-recognized. Few people realize that in Operation Desert Storm, over 95 percent of the equipment, goods, and ammunition used were carried to the theater by the American Merchant Marine. This resolution serves as a means to honor their service, and I join my colleagues in applauding Rep. KUYKENDALL's work to bring this matter before this Body today. I also would like to take this time to pay tribute to Representative BATEMAN, who was one of the biggest supporters of the American Merchant Marine. His passing is a great loss to this Body and this Nation.

At a time the people of the United States are benefitting more than ever before from the sacrifices made by so many to secure peace and prosperity, it is highly appropriate to recognize the service of the men and women of the United States Merchant Marine. I urge your support of this resolution.

INTRODUCTION OF THE MEDICARE RENAL DIALYSIS PAYMENT FAIRNESS ACT OF 2000

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. CAMP. Mr. Speaker, today I am pleased to be joined by Representative KAREN THURMAN and Senators FRIST and CONRAD in introducing the Medicare Renal Dialysis Payment Fairness Act of 2000 and 15 other original consponsors. This legislation takes important steps to help sustain and improve the quality of care for the more than 280,000 Americans living with end-stage renal disease (ESRD).

In 1972, Congress ensured that elderly and disabled individuals with kidney failure receive appropriate dialysis care. At that time, Medicare coverage was extended to include dialysis treatments for individuals with ESRD.

Over the last three decades, dialysis facilities have provided services to increasing numbers of kidney failure patients under increasingly strict quality standards; however, during this same time frame reimbursement for kidney services has not kept pace with the increasing demands of providing dialysis care.

While these efforts were a step in the right direction, a recent Medicare Payment Advisory Commission (MedPAC) report suggests that we must take further action to sustain patients' access to dialysis services. In particular, MedPAC recommends a 1.2 percent payment adjustment for Medicare-covered dialysis services in the next fiscal year. In addition, MedPAC recommends that the Health Care Financing Administration provide an annual review of the dialysis payment rate—a review that most other Medicare-covered services receive each year.

I believe these recommendations represent critical adjustments that must be addressed this year. For this reason, I have worked with Representative THURMAN, Senator FRIST, and Senator CONRAD to develop the Medicare Renal Dialysis Payment Fairness Act of 2000. This legislation would provide the payment rate improvements recommended by MedPAC and would establish an annual payment review process for dialysis services. This proposal would help ensure all dialysis providers receive reimbursement that is in line with increasing patient load and quality requirements. This is particularly important for our nation's smaller, rural dialysis providers that on average receive Medicare payments that do not adequately reflect costs.

As Congress considers further improvements to the Medicare program, I urge my colleagues to support this important effort to ensure patients with kidney failure continue to have access to quality dialysis services. I thank my colleagues for working together on this bipartisan and bicameral proposal.

WELCOME C.J. CHEN

HON. SOLOMON P. ORTIZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. ORTIZ. Mr. Speaker, on behalf of my friends on Capitol Hill, I would like to extend a warm welcome to the Republic of China's Representative in the United States, Mr. C.J. Chen. He is now serving a Taiwan's top diplomat in the United States and his office is in Washington, D.C.

Representative C.J. Chen is uniquely qualified for this top diplomatic post. Representative Chen has spent his entire career in the Republic of China's government service. After receiving his education in Taiwan and Europe, Representative Chen joined the ROC's foreign service and served in many capacities over the last 2 decades.

Most notably, he was the ROC's Deputy Representative in Washington (1982-1989); Administrative Vice Minister of Foreign Affairs (89–93); a Senator in the ROC Parliament (93–96); Political Vice Minister of Foreign Affairs (96–98); and Foreign Minister (99–00).

Representative Chen's appointment to Washington is timely. We are fortunate to have someone like Representative C.J. Chen to brief us on the latest developments in his country and the latest issues affecting both our countries.

Representative Chen is a hardworking diplomat. Even during the summer recess, he has met with a number of us and briefed members about President Chen's recent trip to countries in Central America and Africa as well as the need for the ROC to be recognized as a team player in international affairs. Taiwan's financial strength, democratization, and record on human rights are accomplishments worth universal recognition and praise.

I look forward to working with Representative C.J. Chen and his staff.

TRIBUTE TO AMBASSADOR PER ANGER ON HIS RECEIVING HONORARY ISRAELI CITIZENSHIP

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. LANTOS. Mr. Speaker, on the 18th of September, Israel will award honorary citizenship to Ambassador Per Anger, the distinguished Swedish diplomat who worked so closely with Raoul Wallenberg to rescue Hungarian Jews during the Second World War. I would like to invite my colleagues to join me in recognizing Anger's lifetime accomplishments, including his association with Raoul Wallenberg during 1944, as an example of the good that human beings can accomplish, even when faced with incomprehensible darkness.

Per Anger received his first diplomatic assignment at the age of 27 as an attache to Berlin in the early stages of the Second World War. During that year (1941) he worked for the Foreign Department's trade section dealing with relations between Sweden and Hungary. It was this position which eventually led him, in November of 1942, to join the Swedish legation in Budapest. In March of 1942 he became second secretary in the Swedish legation in Hungary.

Mr. Speaker, for two years prior to the Nazi occupation of Budapest, Anger reported that conditions in Budapest were relatively stable and calm. But with the arrival of the German military in March 1944 and the subsequent deportation of Hungary's Jewish population, he entered the defining year of his life and career as a diplomat. When the Nazis initiated deportations, Anger assumed an early role in devising schemes to protect Jews. While the later schutzpasse was Wallenberg's innovation, Anger originally conceived the idea of issuing special certificates to Hungarian Jews who had applied for Swedish citizenship. Before Wallenberg arrived, the Swedish legation had issued 700 certificates and provisional passports which had no legal validity, but served their purpose in preventing the shipment of individuals to Auschwitz.

With Wallenberg's arrival on July 9, 1944, Per Anger began a partnership that would deliver tens of thousands of Jews from deportation and almost certain destruction in Nazi death camps. While Wallenberg's tragic end has made him the more recognizable rescuer, Anger made a substantial contribution in his quiet but efficient manner. Per Anger was frequently Wallenberg's partner in missions of mercy to the columns of Jews forced to march out of Hungary after Allied bombing had made the railways unusable. Where the Jews marched and died, Wallenberg and Anger distributed food, administered comfort, and often managed to return with some of the suffering people to Budapest.

Mr. Speaker, Per Anger's life and legacy are permanently linked with Wallenberg, not only because their shared efforts in Budapest during the Second World War, but also because of Anger's lifelong compassionate quest to discover the fate of his partner, who disappeared mysteriously behind Soviet lines in January of 1945. Throughout the second half of the twentieth century Anger labored to disseminate information about Wallenberg and to bring his plight to the attention of world leaders. In 1989 he urged Helmut Kohl to take the issue directly to Mikhail Gorbachev, and listened in to a telephone call as Kohl pleaded with Russian leader to ''let that old man go.'' Gorbachev, according to Anger, had no response.

Mr. Speaker, it is most appropriate and fitting that the state of Israel has granted Per Anger the high recognition of making him an honorary citizen. He has spent most of his life in the service of others, including that turbulent year in Budapest collaborating with Raoul Wallenberg in saving innocent lives. I invite my colleagues to join me in paying tribute to this distinguished Swedish diplomat for his

courage, humanitarian dedication, and good works.

IN HONOR OF FATHER JOSEPH A. ROMANSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. KUCINICH. Mr. Speaker, I rise today to honor Father Joseph A. Romansky who is celebrating his 25th anniversary as a priest of the Cleveland Catholic Diocese. Father Romansky is a native of the Cleveland area. His first of many admirable assignments was at St. Catherine's Parish on East 93rd Street. Following his dedicated service to St. Catherine's, Father Romansky worked at the diocesan offices in downtown Cleveland while also assisting at St. Francis in the East 71st Street and Superior area. From there, Father Romansky became pastor of Holy Family Catholic Church on East 131st Street, and later he was chaplain at the Light of Hearts Villa. Father Romansky has spent the last several years spreading hope and peace as chaplain at St. Augustine Manor.

Over the course of the last 25 years, Father Romansky has fully devoted his life to serving his parish and the people of Cleveland. More importantly, he is committed to the well-being and happiness of all people regardless of race, creed, gender, or class. Father Romansky is a kind and generous man who makes all those he comes in contact with feel special and loved.

Mr. Speaker, I ask all members of the House of Representatives to recognize the achievements of Father Joseph A. Romansky as he celebrates his 25 years of service to the Cleveland Catholic Diocese. I ask my colleagues to join me in thanking him for his charity and dedication to his faith, his parish, and the entire city of Cleveland.

TRIBUTE TO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. THOMAS W. EWING

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. EWING. Mr. Speaker, today I would like to salute Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes. They are outstanding young women who were honored with the Girl Scout Gold Award by Green Meadows Council in Urbana, Illinois. Laura, Erin, Jennifer, Christina, and Merideth were honored on May 8, 2000 for earning the. highest achievement that a young woman aged 14-17 or in grades 9-12 can earn in Girl Scouting. The Girl Scout Gold Award symbolizes outstanding accomplishments and has five requirements, each of which helps girls develop skills in the areas of leadership, career exploration, self-discovery, and service. The fifth requirement is a Gold Award Project that requires a minimum of 50 hours of participation.

Girl Scouts of the U. S. A., an organization serving over 2.5 million girls, has awarded more than 20,000 Girl Scout Awards to Senior Girl Scouts since the inception of the program in 1980. To receive this award, a Girl Scout must earn four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award, and the Senior Girl Scout Challenge, and also design and carry out a Girl Scout Award project. A plan for fulfilling these requirements is created by the Senior Girl Scout and is carried out through close cooperation between the girl, her troop leader, and an adult Girl Scout volunteer mentor.

Laura and Erin's Gold Award project was ''Communities Helping Communities.'' They are members of Girl Scout Troop 299 in Champaign, Illinois. The idea for their project came when they participated in a school sponsored city clean-up project. They recognized the need to help elderly neighbors with yard work and beautification of their property. Together they organized and coordinated volunteer workers, obtained donations of plant materials and supplies and provided gardening services for eight elderly families and three churches. Upon completing this project, they evaluated the results. Laura felt that one of the benefits of this project was the families were able to provide input into the selection of flowers and how their flowerbeds were designed. Erin said she gained self-satisfaction from providing such a tangible improvement to homes. Benefits of the project were the experience of intergenerational and multi-racial neighbors working together.

Jennifer Iversen's Gold Award project involved obtaining computers for the residents of Manor Care Health Services. She is also a member of Girl Scout Troop 299 in Champaign, Illinois. Jennifer and a friend taught residents basic computer skills and how to access the Internet. These new skills provided residents the ability to use e-mail to correspond with family friends. Jennifer applied for and received a grant for continuation of this project next year with volunteer assistance from the social advocacy class at University Laboratory High School.

Christina Barnes's Gold Award project titled ''Assistant Softball Coach'' provided her the opportunity to share her talents and love of softball with young women aged 13—15. Christina is a member of Girl Scout Troop 400 in Philo, Illinois. She coached and taught this group fast pitch softball skills through the Park District. Her project also included developing a Fist Aid kit for the team and emphasizing nutrition in her instruction.

Merideth Holmes is an Independent Girl Scout from Monticello, Illinois, and her project, ''Christian Cuddliess'' involved working with members of a Junior Girl Scout troop to make teddy bears for children admitted to the emergency room go Ganta Memorial Hospital in Ganta, Liberia. Merideth enjoyed involving the Junior Girl Scouts in her project and being able to make an emergency room more comforting and less threatening for children.

I believe that Laura David, Erin Wiggins, Jennifer Iversen, Christina Barnes, and Merideth Holmes should receive public recognition for their significant service to their communities and country.

HONORING THE 300TH ANNIVERSARIES OF ST. DAVID'S CHURCH AND ST. PETER'S CHURCH IN THE GREAT VALLEY

HON. CURT WELDON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to congratulate the parishioners of St. David's Church, Wayne and St. Peter's Church in the Great Valley, near Paoli, Pennsylvania for celebrating their 300th anniversaries. This historic milestone was reached on September 2, 2000.

It is often said of Pennsylvania that ''America starts here.'' This is particularly true for the greater Philadelphia region, where so many of our Founders came together to deliberate, where the Declaration of Independence was signed, and in whose fields and valleys so many cruel and bitter battles were fought during our Revolution. During this time of remembrance it is fitting to recall the people who settled Chester County, lived in its towns, educated its young, built its businesses, reached out to its needy, fought its wars and ultimately returned to its soil. A prominent role in the development of Chester County was played by St. David's Church in Wayne and St. Peter's Church in the Valley.

As we reflect 300 years later on this rich history, it is my honor and privilege to congratulate the two current rectors, The Rev. John G. Tampa of St. Peter's and The Rev. W. Frank Allen of St. David's, who have the honor to serve their parishioners during this momentous time of celebration. Continuing a walk in faith begun over three centuries ago, they provide the leadership and vision that have made St. David's Church and St. Peter's Church in the Great Valley a cornerstone of spiritual leadership as well as a source of inspirational outreach and service. These churches remain to this day vibrant members of their community providing food, education, health care, shelter, training and countless other services to people in need.

The two parishes were established in 1700 as missions of the historic Christ Church, Philadelphia, serving what was then the frontier regions of Chester County, Pennsylvania. Christ Church is familiar to students of our history, for it was the site where our Founders met to discuss and later to proclaim our country and its unique form of government.

From the moment of their founding, St. David's Church and St. Peter's Church in the Great Valley have played a prominent role in the history of Pennsylvania, and indeed of the nation. The first services were held in small log cabins, were tended by a circuit-riding clergyman and drew only a handful of Welsh pioneers. Today, the combined congregations of St. Peter's and St. David's exceed 3,000 parishioners, and they continue to grow.

It is interesting to note that it was from St. David's Church that General Anthony Wayne, whom some regard as the real founder of the American Army, went off to fight with General Washington. It was to St. David's Church that his body was returned years later. Not surprisingly, St. David's and its graveyard have been designated as National Historic Landmarks.

St. Peter's Church in the Great Valley, another National Historic Landmark, served as a

field hospital for soldiers wounded in the Brandywine campaign of 1777 and later at Valley Forge. Its graveyard contains the remains of both American and British soldiers killed during the Revolution. Its beautiful grounds, a wildlife conservatory, were selected by Governor Tom Ridge as the site for the signing of Pennsylvania's innovative conservation measure, the ''Grow Greener'' bill.

Mr. Speaker, St. David's Church and St. Peter's Church in the Great Valley have much to celebrate together as they mark their 300th anniversary. I congratulate everyone associated with these worship communities and wish them continued growth, happiness and success as they recall their journey: the road, the people, the vision and the faith, which brought them to this milestone.

SURGE OF CHINESE IMPORTS THREATENS VALUABLE MANUFACTURING JOBS IN WEST VIRGINIA

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. RAHALL. Mr. Speaker, I wish to express my concern about a small manufacturer in my district that is battling a tidal wave of low-priced Chinese imports and to underscore the importance of strong trade laws.

Portec Rail Products, Inc. is a small business with manufacturing operations in Huntington, West Virginia. Portec makes steel rail joints which hold rail sections together and ensure smooth passage for commercial and passenger trains alike. Portec's West Virginia manufacturing facility represents the core of the kind of small, hard working American company that we all like to see succeed. Portec provides solid, semiskilled manufacturing jobs for many hard-working West Virginians. Additionally, Portec purchases steel bars from a West Virginia steel producer, further enriching the economy of the state.

During the last three years, U.S. imports of low-priced steel rail joints from China have increased exponentially. According to official U.S. Department of Commerce statistics, imports of Chinese rail joints increased from 78,000 pounds in 1997 to 355,878 in 1999, a 356 percent increase. There has been no let-up—during the first quarter of 2000, Chinese imports were at a record pace of 175,000 pounds—a figure which, if annualized, would arnount to a 788 percent increase since 1997.

Chinese imports are also underselling U.S. prices, resulting in lost sales and depressed prices for the U.S. industry. When Portec loses a sale to what might very well be dumped imports from China, it loses the profits and R&D dollars necessary to develop new products and services for its customers. This threat is not Just looming in the future—it is happening today and already has impacted Portec. In fact, Portec recently lost a contract to supply steel rail joints to our very own METRO in Washington, D.C. because the Chinese bid was lower. So, the threat to this small, West Virginia company is very clear.

I can assure you that Portec does not intend to leave the challenge unanswered, and in fact, I will do my best to help them combat the harmful import surge from China through trade cases or other means. We must protect American manufacturing jobs from unfair import surges that injure American industry. The United States must maintain strong anti-dumping laws and ensure that they provide effective relief to small U.S. businesses before they are driven out of business by unfair trade.

PERSONAL EXPLANATION

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BECERRA. Mr. Speaker, on September 12, 2000, 1 was detained with business in my District, and therefore unable to cast my votes on rollcall numbers 460 through 464. Had I been present for the votes, I would have voted ''aye'' on rollcall votes 460, 461, 462, 463, and 464.

SCOUTING FOR ALL ACT

SPEECH OF

HON. BOB SCHAFFER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. SCHAFFER. Mr. Speaker, the House now debates a bill Democrats have crafted to revoke the charter of the Boy Scouts of America. It is hard to believe the Democrats in Congress have actually proposed this measure. It is also hard to believe a private institution, which has taught over 100 million boys in America core values and has donated hundreds of millions of community service hours, would be the target of this vicious attack by the party of Bill Clinton and AL GORE.

On June 28 of this year, the Supreme Court affirmed the Constitutionally protected right of the Boy Scouts of America to set its own standards for membership and leadership. Since the decision, Democrats have launched a vicious attack on the Boy Scouts seeking the financial destruction of the Boy Scouts by urging businesses and civic organizations to revoke their sponsorship of the Boy Scouts. In fact, when the Boy Scouts were derided at the Democrat National Convention this summer, AL GORE did nothing. He didn't object. AL GORE lost on two counts. The Supreme Court decision echoed the voice of mainstream America, and business and civic organizations remain committed to sponsoring the Boy Scouts. So here we are debating another pathetic Democrat attempt to force the hateful will of their party's agenda upon mainstream America.

One of the great ironies of the Democrat's bill to revoke the Federal Charter of the Boy Scouts of America is their claim of being ''dedicated to giving working families the tools they need to take care of their children'' and their claim they have ''worked to make children our nation's top priority.'' Have the Boy Scouts of America not been fulfilling the Democrats' goals and more? Have the 100 million Boy Scouts, from diverse backgrounds far and wide, not been trained during their Scouting experience to embrace civic responsibility and ''help other people at all times'' as the Scout Oath states?

Consider the tenets of Scout Law: Trustworthy, Loyal, Helpful, Friendly, Courteous, Kind, Obedient, Cheerful, Thrifty, Brave, Clean, and Reverent. Consider the Scout Oath: ''On my honor I will do my best to do my duty to God and my country and to obey the Scout Law; to help other people at all times; to keep myself physically strong, mentally awake, and morally straight.'' Shame on the Democrat party, Bill Clinton, and AL GORE for viciously attempting to destroy the Boy Scouts of America. It is unconscionable that millions of young Boy Scouts have been forced to endure this vicious attack. It is an insult that any member of Congress has subjected these young people to such hostility.

While I have never witnessed such a vitriolic attack upon young Americans, I am honored to go on record with America and the Members of this House who have raced to defend the Boy Scouts from this injustice. My son, Justin, has been involved in Scouting for many years now. I can see the developmental benefits he has reaped from his experience with the Boy Scouts of America. I do not know how I would ever explain to him that he could not be a Scout anymore, should Democrats win today's contest on the House floor. My colleagues, we must prevail on behalf of the Boy Scouts, by crushing this awful bill which the Democrats have proposed and by sending a clear message to the country: The Boy Scouts of America are deeply appreciated, celebrated, embraced and protected for the good work they do to raise young boys to be future leaders of a caliber much higher than the proponents of this bill which we must quickly, and resoundingly defeat.

HONORING RAYMOND C. BURTON FOR A DISTINGUISHED CAREER

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. LIPINSKI. Mr. Speaker, today I honor Mr. Raymond C. Burton, who will retire at the end of this year, bringing closure to a distinguished career in railroading that has spanned three decades.

When Ray Burton went to work for the old Sante Fe Railway in 1963, he could not have foreseen the profound changes coming to the railroad industry. Particularly since 1982, when he was elected president and Chief Executive Officer of TTX Company, Ray Burton has been on the cutting edge of those changes.

Under Ray Burton's leadership, TTX has led the way in innovation, design and deployment of the equipment needed to construct today's modem, intermodal transport network. It was this leadership that twice earned him the Railway Age ''Railroader of the Year'' award—making him one of just three individuals to be so honored.

This past July, Ray Burton was elevated to the post of Chairman and CEO of TTX, a fitting reward for a man who led his company—and his industry—into the 21st Century well equipped to meet the challenges ahead. Ray will be missed when he retires at the end of this year, but the seeds he planted will continue to bear fruit for many more years to come.

HONORING THE DISTINGUISHED PRESIDENCY OF DR. JAMES WALKER

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. GORDON. Mr. Speaker, today I congratulate Dr. James Walker for his accomplishments during his tenure as Middle Tennessee State University's president.

Some of Dr. Walker's accomplishments are easily seen, like the new buildings on campus—the business aerospace building, nursing building, student recreation center, state-of-the-art library, student apartment complex and Greek Row. All were desperately needed bricks-and-mortar projects for a growing campus with changing technology needs. As an alumnus and avid Blue Raider football fan, I was particularly thrilled by the recent renovation of the Johnny ''Red'' Floyd Stadium. The renovation helped moved MTSU's football program to Division I–A.

Enrollment at MTSU has increased nearly 32 percent from 15,673 students in 1991 to a projected 20,663 students this fall. Under Dr. Walker's leadership, MTSU has attracted more high-quality students. During the past 10 years, MTSU student ACT scores have surpassed state and national averages. Just last year, MTSU was given the go-ahead to establish Tennessee's first Honors College.

During his tenth year as MTSU President, Dr. Walker is leaving to become president of Southern Illinois University, where, at the age of 30, he worked as an assistant professor.

Dr. Walker's administrative colleagues at SIU, MTSU, University of Northern Colorado, California State University, Illinois State University, University of Alabama and Western Michigan University can attest to his many accomplishments and accolades over the last 30 years. Dr. Walker, thank you for the many wonderful things you did for MTSU and the entire Middle Tennessee community. I and many other Nfiddle Tennesseans will surely miss your leadership and enthusiasm. Good luck at Southern Illinois University.

HONORING THE LATE DR. TIMM C. PATTERSON

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. BARCIA. Mr. Speaker, I rise today to mourn the death and celebrate the life of my longtime friend, Dr. Timm C. Patterson, who passed away on Monday, September 11, 2000. His three children have lost a wonderful father, his family has lost a loving soul, the citizens of Bay City have lost a committed doctor and dedicated community servant and I have lost a good friend.

A lifelong resident of Bay County, Timm graduated from Bay City Central High School in 1967. He continued his education at Delta College and Eastern Michigan University. He later earned a doctorate with honors from Illinois College of Optometry in 1973. He returned to his hometown and practiced medicine for a quarter of a century. Always willing to share his vast knowledge and understanding of medicine with his colleagues, he penned many articles for publication in optometry journals.

However, he didn't limit his sense of duty to the medical field. His community involvement stands as a model to the notion that all of us have a responsibility to reach beyond ourselves. A prominent figure in local politics, Timm served as a city commissioner and two-term mayor of Essexville. The Essexville-Hampton Knights of Columbus, Elks Club, Essexville-Hampton Jaycees, Lions Club of Essexville, the Bay Area Chamber of Commerce and the Bay Area Family Y all were graced by his leadership and enthusiastic support.

My friend had a zest for living. He loved sailing, flying airplanes and rooting for the maize-and-blue of his beloved University of Michigan sports teams. He simultaneously found solace and excitement on the Great Lakes, often exhibiting his mastery of navigation as he skippered his sailboat on leisurely sojourns and competitive races against his fellow sailors. Many times, wind filled his sails in the Port Huron to Mackinac Yacht Race. He was a board member of the Saginaw Bay Yacht Club and the Saginaw Bay Yacht Racing Association.

He took to the skies as well, earning a private pilot's license for airborne adventures that seemed to heighten his appetite for hands-on knowledge.

My dear friend now soars beyond the clouds, leaving in his wake legions of friends and family whose lives he touched with a strong hand and tender heart. We will miss him.

REPEAL AND EXTRATERRITORIAL INCOME EXCLUSION ACT OF 2000

SPEECH OF

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Ms. KILPATRICK. Mr. Speaker, I rise today in support of H.R. 4986, the Foreign Sales Corporation Repeal and Extraterritorial Income Act of 2000 because it will help preserve the strong financial standing of our nation's export manufactures and our economy. This debate cannot be understood without an understanding of the origin of the Foreign Sales Corporation (FSC). The FSC was created by the Department of Commerce to provide incentives to increase exports by United States (U.S.) manufacturers competing against Asian and European businesses. American industry faced stiff competition from state supported foreign enterprises. FSC's were given a reduction in income taxes on net foreign profit realized from exports. An export businesses' choice to form an FSC allows it to minimize its tax bill on foreign profits between 15% and 30%.

In 1998, a trade dispute arose when the European Union (EU) filed a claim against the United States arguing that FSC's were in violation of World Trade Organization's (WTO's) rules prohibiting government subsidization of exports. The EU argued that the FSC amounted to U.S. government subsidization of export businesses. The WTO dispute panel agreed with their argument and ruled accordingly. The ruling required that the U.S. withdraw the FSC provisions by Oct 1, 2000, or face sanctions. These events bring us to the floor today.

The measure before us today exempts from federal taxes most income earned abroad and repeals portions of current law (PL 98–369) that created foreign sales corporations (FSCs). Under the measure as long as 50% of a manufactures goods were produced in the United States, the manufacturer could receive the same tax benefit on foreign sales.

This bill satisfies the concerns of the WTO and will prevent the implementation of tariffs on potentially billions of dollars of goods made in the U.S. and exported abroad.

I have opposed important trade legislation in Congress because I have been particularly concerned about the effects it would have on U.S. jobs and our economy. My review of the record concerning the repeal of Foreign Sales Corporations and its replacement gives me confidence that this measure will be good for American workers, farmers and businesses. This bill has been carefully reviewed by both Democrats and Republicans and enjoys the approval of the United States Treasury. I particularly applaud the bipartisan work of my colleagues on the Ways and Means Committee in resolving this matter, and I urge my colleagues to support the bill.

WE NEED COMMONSENSE GUN SAFETY LEGISLATION NOW

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mrs. MCCARTHY of New York. Mr. Speaker, I appreciate the opportunity to join the Gentleman from New Jersey, Representative RUSH HOLT.

We know the Congress will soon adjourn and we have not done anything to approve commonsense gun legislation.

That is why we are calling on Speaker HASTERT to direct the Juvenile Justice Conferees to meet and complete action on the Juvenile Justice Bill. We request other colleagues to join us.

Earlier this year, the Million Mom March came to Washington and to more than 60 cities around the country. I addressed this march that united moms, dads, sons and daughters behind a common goal.

They urged the Congress to stop its delay and move forward with gun safety legislation. Now it is time for the Congress to stop stalling and to enact this gun safety legislation.

To date, I regret the Congress has accomplished next to nothing to enact commonsense gun safety legislation.

Have we closed the gun show loophole that permits criminals to get guns easily? No!

Have we required gun manufacturers to install child safety locks on all new guns? No!

Have we banned the importation of high-capacity ammunition clips on assault rifles? No!

As Members of the Education and Workforce Committee, both of us are committed to reducing classroom size, ensuring after-school programs and increasing student achievement test scores. We can accomplish none of these things, unless we have safe schools first.

In my home state of New York, I have worked closely with Gov. George Pataki and

our state lawmakers so that we were able to enact strong commonsense gun safety legislation this year.

I am proud our state now has a law that closes the gun show loophole and requires child safety locks on guns. Now we need national commonsense gun legislation.

The House Leadership and the gun lobby have maintained their alliance to block the consideration of this commonsense gun legislation.

I urge the American people to send a message to the House leadership to reject the gun lobby and enact real gun safety legislation before we adjourn for the year.

Mr. Speaker, the new school year has just begun. We need to give parents greater assurance that their children will be safe while they are attending school.

But the truth is the Congress must do more. We can close the gun show loophole. We can require child safety locks. We can ban high-capacity ammunition clips.

SENSE OF HOUSE REGARDING UNITED STATES-INDIA RELATIONS

SPEECH OF

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. PALLONE. Mr. Speaker, the year 2000 has been a great year for those of us actively involved in building and promoting relations between the United States and India. This week, I am proud to welcome Indian Prime Minister Atal Bihari Vajpayee to Washington. The Prime Minister's visit comes months after President Clinton made a similar visit to India. I was fortunate to join the President on that historic visit.

While here in Washington, the Prime Minister will focus on economic relations between the two countries, as well as the role of the Indian-American community as a bridge between the two democracies.

Since the early 1990's, I have been advocating for the U.S. to build a long-term and enduring relationship with India. This relationship makes sense since both countries share common democratic traditions. Portions of India's constitution were modeled after the U.S. constitution, and both countries share the same views of freedom of expression, protection of individual rights and a vitality of the political process.

India and the U.S. have forged close economic and commercial links. India represents enormous opportunities for U.S. firms to make new investments and enter new markets. Good relations with India can only increase the economic ties we currently have. A strong economy in India is a basis for lifting people out of poverty and for creating a strong democratic base.

The two countries also have become linked as centers of scientific and technological innovation. In the fast-changing world of high technology, the U.S. and India have already begun sharing process of information, of skills and of people who provide great benefits for consumers in both countries. India has a highly trained corps of software engineers whose talents are being utilized here and in India.

Both countries, victims of terrorism in the past, have teamed up to establish a Joint Working Group on Counterterrorism, which should enhance the effectiveness of both nations' efforts to combat terrorism worldwide.

As the region's only democracy, India will play a major role in security issues throughout Asia for years to come. I have believed for some time that India should receive a permanent seat on the United Nation's Security Council and am anxious to hear from the Prime Minister if there were any new developments while he was in New York last week. Providing this seat to India will help make the world a safer place.

While I was in India with the President earlier this year, I was fortunate to attend the signing ceremony in Agra of an historic agreement to promote cooperation in the areas of clean energy and the environment between our two countries. This agreement marks a major step toward promoting clean energy in India and protecting India's and our global environment. As part of this agreement, joint trade and investment efforts will promote clean energy technologies in India.

India and the U.S. also are conducting joint public-private partnerships in the energy sector. In fact, one New Jersey utility, PSEG, is on the verge of signing an agreement with the Indian government to carry out just such a partnership. This utility also is exploring creative methods for improving the electric supply and system reliability with partners in Karnataka. These types of efforts will promote clean energy technologies and help India avoid the pollution we experienced with our industrial development. India does not need to sacrifice its economic growth because its local businesses will conserve energy and improve their ''bottom lines''. I look forward to working with the Prime Minister during this week's visit to further these efforts between India and the U.S. to conserve resources, improve energy supply, and protect our environment.

As the founder and past Chairman of the Congressional Caucus on India and Indian-Americans, as well as the Representative for one of the largest Indian-American communities in the country, I am excited by the developments of the past year between our two countries. It is my hope that Prime Minister Vajpayee's visit will strengthen relations between the world's two greatest democracies.

IN CELEBRATION OF MARTHA BARRETT'S DEDICATION TO EDUCATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. GALLEGLY. Mr. Speaker, I rise to celebrate Martha Barrett, whose energy and dedication in her classroom and to her profession has earned her the honor as Ventura County's Teacher of the Year.

Mrs. Barrett brings an entrepreneur's drive to teaching, totally immersing herself in her chosen profession, which isn't surprising when one considers that business was her chosen field when she entered San Diego State University. However, the future educator found joy by teaching a weekend religion class and switched to education, earning her master's degree and teaching credential.

She now teaches students and her peers at Oxnard Elementary School District.

Mrs. Barrett is a 17-year teaching veteran, teaching our youngest students to read, write and think. She is also a lifelong student, remaining current on the latest technology and teaching tools and sharing them with her peers.

After years of serving as a mentor to her fellow teachers, Mrs. Barrett was assigned to the district's Peer Assistance and Review program last week. In that role, Mrs. Barrett will help struggling teachers and coach others who wish to improve their skills.

There is little doubt her peers will benefit from Mrs. Barrett's insight. Administrators say they often have to turn away teachers who clamor to attend the numerous teaching workshops Mrs. Barrett has conducted. Her superintendent, Richard Duarte, has been quoted as calling her ''truly a master teacher.''

The mother of three also is active in her own children's schools and has been a team mom for her children's soccer teams. The Barretts have hosted exchange students from Japan and Spain.

Mr. Speaker, as America focuses on improving education, Mrs. Barrett serves as a model of what we expect and need from our teachers. Teaching is not a job to Mrs. Barrett. It's a calling. She works hard, she cares about her students, and she cares about her profession. She also cares enough to help her peers reach higher, so their students can too.

Mr. Speaker, I know my colleagues will join me in congratulating Mrs. Barrett on her achievement, in thanking her for a job very well done, and in wishing her future successes in the classroom and in her profession.

A TRIBUTE TO SERGEANT EDWARD LOWRY AND DEPUTY SHERIFF DAVID HATHCOCK

HON. MIKE McINTYRE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. McINTYRE. Mr. Speaker, today I pay tribute to State Highway Patrolman Edward Lowry and Deputy Sheriff David Hathcock for their distinguished service and courageous leadership on behalf of the citizens of Cumberland County, North Carolina.

These two veteran law enforcement officers gave their lives in the line of duty during a traffic stop along interstate 95 on September 23, 1997. By risking their lives to protect the lives of others, they made the ultimate sacrifice that any citizen of this nation can make. They left behind not only their loving families, but also a community and a state who will forever be grateful for their heroism.

As lifelong residents of Cumberland County, both Sergeant Lowry and Deputy Hathcock dedicated their entire careers to protecting the rights and freedoms of others. Together they had over forty years of experience in law enforcement and were recognized for their integrity and strength in promoting and defending the laws of justice.

In order to acknowledge and honor Officers Lowry and Hathcock for the valiant actions they displayed on that fateful day and their outstanding service to the communities they fought to protect, I am pleased that the North Carolina 59 bridge over 1–95 near Hope Mills, Cumberland County will be named in their

memory. This will serve as a constant reminder of the gratitude we all feel toward these two brave individuals, along with all other law enforcement personnel who have lost their lives serving as guardians of our communities.

President John F. Kennedy once said, ''For those to whom much is given, much is required. And when at some future date when history judges us, recording whether in our brief span of service we fulfilled our responsibilities to the state, our success or failure, in whatever office we hold, will be measured by the answers to four questions: First, were we truly men of courage . . . Second, were we truly men of judgment . . . Third, were we truly men of integrity . . . Finally, were we truly men of dedication?''

Deputy Sheriff David Hathcock and Sergeant Edward Lowry would truthfully have been able to answer each of these questions in the affirmative! They were indeed men of courage, judgment, integrity, and dedication. May the memories of these two brave individuals live on in our hearts and may God's strength and peace always be with their families and friends.

WELCOMING EDGEWOOD MIDDLE SCHOOL

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. UDALL of New Mexico. Mr. Speaker, I would like to bring to your attention the Edgewood Middle School located in Edgewood, New Mexico. The school is a brand new institution of secondary learning. The need for the school is a testament to the growth and innovation of this area of my state, portions of which I proudly represent.

Edgewood is a lovely community situated amid the East Mountains and arid lands of New Mexico. Edgewood and its nearby neighbors—Moriarty, Sandia Park, Tijeras, Cedar Crest, and Stanley—are committed to the community values that make for a high quality of life. It is not surprising to me the enthusiasm and welcome that the Edgewood Middle School has received.

Someone once said that a journey of 1,000 miles begins with the first step. I must commend Moriarity school superintendent, Dr. Elna Stowe, for her tireless work and devotion in making this school a reality. Additionally, the first principal of this institution, Sandy Beery, will shepherd the school as it grows and blossoms.

As you know, Mr. Speaker, it takes a team effort to achieve great goals. I fully believe that the educators, administrators, and the surrounding communities will come together to have an exceptional body of learning. Schools are hallowed places, and I am very enthusiastic about the students who will be educated here and then move on to higher learning. A good education is the start of a good future.

I close by taking you back to 1787. It was a time much like today, when this Nation's future was at an exciting crosswinds. At the close of the Constitutional Convention, Benjamin Franklin rose and made an observation about the chair from which General Washington had been presiding. On the chair was the design of a Sun that was low on the horizon, and many of the delegates had wondered whether it was a rising or a setting Sun. 'We know now,' Franklin said. 'It is a rising Sun and the beginning of a great new day.'

The people of the East Mountains are proud of their strong community spirit and devotion that have helped build the Edgewood Middle School. I commend these community members for their dedication to education and for the enrichment of their students, present and future. Because of all these things, I see a rising Sun and the beginning of a bright future for the East Mountain community.

INTRODUCTION OF THE IDEA 25TH ANNIVERSARY RESOLUTION

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. GOODLING. Mr. Speaker, today, I am pleased to introduce a resolution that recognizes and honors the 25th anniversary of the Individuals with Disabilities Education Act.

Congress first authorized IDEA in 1975 as the Education for All Handicapped Children Act (P.L. 94–142). Since 1975, Congress has refined and improved the law several times. In 1990 the statute was renamed the Individuals with Disabilities Education Act. As most everyone knows, this act assists states and local school districts with the excess costs of educating students with disabilities.

IDEA has ensured greater access to education for all students with disabilities. Not only has access to education improved, so has quality. Students with disabilities are increasingly completing their high school education and embarking on post-secondary education.

I believe strongly in the goal of IDEA—that every child should have the opportunity to receive a quality education. I know that teachers and school administrators also support this goal. However, I understand that schools need additional funds to make this goal a reality. To this end, I have been persistent in fighting for increased funding for IDEA during my years in Congress.

From the time the Republicans took control of Congress in 1995, we have seen the most dramatic increases in the federal funding for IDEA since its creation. Our work has paid off. The federal share of funding for IDEA has risen from roughly seven percent of the national average per pupil expenditure to 13 percent of the national average per pupil expenditure. I am proud of our efforts.

Of course, I realize that we still have a long way to go to reach the federal government's promise to provide funding to states and local schools in the amount of 40 percent of the national average per pupil expenditure. While I will not be in Congress next year to push for increased funding, I know there are many members who will continue this fight.

Over three years ago, Congress passed the IDEA Amendments of 1997, which brought many improvements to the education that children with disabilities receive. These amendments focused the law on the education a child is to receive rather than upon process and bureaucracy, gave parents greater input in determining the best education for their child, and gave teachers the tools they need to teach all children well. For instance, under these amendments the Individualized Education Program (IEP) is developed with the general curriculum in mind, and students with disabilities are taking district and state-wide assessments in greater numbers. The 1997 amendments also decreased the amount of paperwork required of teachers so that now they will have more time to spend with students.

I am pleased with the progress that has been made in recent years and it is appropriate that on the 25th anniversary of the passage of P.L. 94–142 we recognize the many accomplishments brought about by IDEA. IDEA has continually been refined to better serve students, parents, teachers, and schools. To continue these successes, we must continue our support for IDEA and the students it serves. I urge all of my colleagues to support this resolution.

TRIBUTE TO LABOR AND MANAGEMENT IN WEST VIRGINIA: FOR WORKING TOGETHER IN A COMMON CAUSE TO SAVE A HOSPITAL

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. RAHALL. Mr. Speaker, today I pay tribute to West Virginia's labor and management team who have come together to help save a struggling hospital in Man, West Virginia, forced to close in June 2000 due in large part to Congressional cuts in Medicare reimbursements to hospitals. I salute the United Mine Workers of America (UMWA) and the Arch Coal Company for setting an example for labor and management teamwork to save a hospital.

As we all are deeply aware, the Balanced Budget Act of 1997—or BBA97 in its short form—caused draconian cuts in Medicare reimbursements to health care providers across this country—hospitals, home health agencies, skilled nursing homes, and physical therapy programs.

I voted against the BBA97 because I knew first, you cannot cut providers without cutting services to seniors, and secondly, you should never vote for projected cuts of $115 billion in Medicare, period. That projected cut of $115 billion has today risen to $227 billion, with two more years to go of planned cuts under BBA97.

Congress in passing the BBA97 rhetorically assured the American people that they were ''only'' cutting providers—not services to seniors who rely upon Medicare for all their health care needs. I knew then, and Congress knows now, that services were reduced to seniors, and that access to health care was denied to hundreds of thousands of patients.

In the interim, these past 3 years have seen hospitals, skilled nursing homes and home health agencies closing their doors in record numbers, leaving vulnerable elderly patients without local access to health care of any kind. The safety net that used to be in place is gone. Put bluntly, it is only now that Congress pretends it has just been made aware that 2 years of balancing the budget on the backs of senior citizens has caused hospitals

to bleed nearly to death financially. New estimates this year show that the bleeding has turned into a hemorrhage.

In West Virginia, the Appalachian Regional Hospital at Man, West Virginia in Logan County has been closed since June 30, 2000. Coupled with losses of upwards of $5 million over the past several years, most of which can be attributed to the loss of Medicare reimbursement to hospitals taken away by the BBA97, the hospital could no longer continue to serve the citizens of Logan County, and citizens from surrounding counties as well.

But also In West Virginia, the Arch Coal Company and the United Mine Workers Union (UMWA) have chipped in with funding to help reopen the Man ARH hospital, lifting the community over its fund-raising goal.

In 1956, the Man Hospital was one in a chain of hospitals built by the United Mine Workers Health and Retirement funds. These hospitals were built in southern West Virginia, southwestern Virgnia, and Eastern Kentucky where other health care was not available to coal miners. While the Logan County economy has diversified to also include business men, women and their families, it is still an access hospital for coal miners, their surviving wives and children.

Losing the hospital would affect the delivery of health care to thousands of people, and much of that care goes to those without any health insurance, known as uncompensated care, and a majority of the users of the hospital are senior citizens on Medicare. As noted above, it was the loss of the Medicare reimbursements that became the final blow that caused the Man ARH Hospital to close it doors.

Today I commend the United Mine Workers of West Virginia, and the officials of Arch Coal Company, for caring enough about the people served by the Man ARH Hospital to contribute to its reopening and its future service to the people of Logan County and beyond.

But more, Mr. Speaker, in these times of fiscal hemorrhaging by hospitals in the coalfields of West Virginia and the nation, I pay tribute to labor and management coming together to help people help themselves, without a single negotiating session at the bargaining table.

In West Virginia, the United Mine Workers Union and the Arch Coal Company just stepped up to the plate and got the job done.

VERMONT STUDENT CONGRESSIONAL TOWN MEETING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. SANDERS. Mr. Speaker, I rise today to recognize the outstanding work done by participants in my Student Congressional Town Meeting held this summer. These participants were part of a group of high school students from around Vermont who testified about the concerns they have as teenagers, and about what they would like to see the government do regarding these concerns.

I submit these statements for the CONGRESSIONAL RECORD as I believe that the views of these young persons will benefit my colleagues.

MIKE FLOWER AND BRETT MICHAUD

REGARDING STUDENT NIGHTLIFE—MAY 26, 2000

MIKE FLOWER: I am Mike Flower from Youth Build, and it is an organization that we do construction and do school every other week. And basically my subject is how there isn't a lot of things for youth to do at nighttime. And I just think that there should be a club for just youth or something every night that they can do instead of drugs. So that is my thought.

BRETT MICHAUD: I basically have the same idea as him because, I mean, without any clubs what do students resort to? They resort to gangs and drugs, and that is not what people want and that is not what people want to see in the youth of Burlington. They want to see people active in their community, and sometimes the activities are just not there for the students and they just have no other place to resort to.

HILLARY KNAPP, SHAWN KEANE, SUE MARTIN, LAURA DRUMMOND AND JOEL FELION

REGARDING OTTER TEEN NETWORK—MAY 26, 2000

HILLARY KNAPP: I would first like to thank you for inviting us and giving us the opportunity to tell about some of the things that we have been doing at Otter Valley Union High School through our teen network organization, Otter Teen Network.

The issue that we would like to present to you is continued support, encouragement and funding for organizations such as Otter Teen Network that give teens an opportunity to be leaders, putting continued emphasis on school funding, opportunities for grants that support prevention programs and funding for groups such as Green Mountain Prevention Projects are very important. We feel that we as teens are the best support and the best role models for each other and that we have more of a direct influence on each other, but those of us who want to become leaders need a clean and drug-free school and even the right tools. In addition to supporting prevention, we would also like to encourage research in intervention programs that support teens in our daily lives.

SHAWN KEANE: Otter Teen Network is an idea that came from two students two years ago. Otter Teen Network is student-initiated, student-run and student-organized that promotes teens working together to create a positive school, community and safe school environment while promoting being drug-free. Otter Teen Network is a great example of teens being given the opportunity to express their opinions, share ideas and improving their school environment and being encouraged to make a difference. We have the opportunity to pull together many resources and merge them into the program making it quite a team effort. Safe and Drug-free Schools has funded our advisor's position. It has been the advisor's goal to work within the school soliciting support from administration, faculty and staff. With the creation of OTN, Otter Valley has created an umbrella organization to take advantage of a number of outside resources, such as Green Mountain Prevention Projects, which are stated in there, GMR projects, leadership projects and teen institutes. We are very close to DTLSP. We even have someone on the advisory council. We participate in the Governor's Leadership Conference and also VCAT. Otter Teen Network has also worked with the office of Alcohol and Drug Abuse on presentations. We have also developed them through the goal of working through grant writing and awards to further our projects.

In addition to Safe and Drug-free School mini-grants we have also been given an award. We have also awarded ODAT community grants.

Another area of support that we have tapped into is our outside community organization called Neighborhood Connections. This is a team—it is this teamwork and cooperation that has made us stronger and helped us to such positive influence in such a short time.

LAURA DRUMMOND: Otter Valley Union High School has approximately 770 middle school and high school students. This type of diverse program reaches everyone, Otter Teen Network meetings are held weekly. Once a month we try to have planning sessions where we talk about theme and how to get it across to the school. Often we do informal bulletin boards and school art displays. In many of our topics we focus on prevention in school and community or showing how we are all connected.

JOEL FELION: We have teen leaders which initiate and head a project. There are team members who do network on the project and get it ready, and there are participants who are in school who have not worked on the project but received direct benefit and then there are recipients who are on the outskirts, they are not picking up anything directly but they still benefit from our program and our influence.

HILLARY KNAPP: We would like to present to you this binder showing some of the things that we have done, and we would like to thank you for having us. And the next presentation is about our Power of Choice Day which was held on May 3rd.

Chris Bullard, Becki Kenyon, Jenn Bearor, Angel Boise and Hillary Knapp

REGARDING POWER OF CHOICE—MAY 26, 2000

CHRIS BULLARD: Hi. My name is Chris Bullard and I am here to go over the concept of the Power of Choice Day. Through attending many conferences with GMPP and GLSP we were always greatly influenced on what we had saw or what we had done, so we decided it would be good for the entire school to have something like that. We began brainstorming ideas last year. As we began brainstorming, the ideas just kept flowing. In February of this year we finally had enough on paper to present it to our administration. It was a go for May 3rd. The Power of Choice was named an all day, schoolwide conference offering teens at Otter Valley Union High School an opportunity to learn, interact and discuss problems and issues that teens face 3 today. And now I am going to turn over to these two.

BECKI KENYON: Hi. I am Becki. Here you have a Power of Choice flyer or pamphlet you can use and it would help. Could you please take it out just to look at it? It should be in one of the pockets.

JENN BEAROR: The meaning of this day was to give awareness to our peers about alcohol and drugs and peer pressure and to let them make their own decisions. We have a group of us called the SOS Players which emphasized on all types of issues that teens face today. We also had the pleasure to have a couple of peers from Mountain View come as well as many celebrities, like the Middlebury Men's and Women's Hockey Team, and all of this was possible by the funding of grants from the Governor's Highway Safety Program, New Direction, OBCC, Refuse to Abuse, and many more.

BECKI KENYON: In the back of the program we had different workshops that our students went to throughout the day, and some of those workshops are Addiction and Intervention, Dealing with Tragedy, Health, Home and Phobia Resolves, Parties, Respecting Yourself, Does Your Body Meet Your Image, Healthy Habits. And the students gave different—well, it had their names on them for drawings throughout the day so we

kind of rewarded them for coming and participating with us. And then in our school we have three different lunches which we use to invite different groups and which we go there.

We have also been working with several groups throughout the whole process. Some of these are Fine Family Resources, Vermont Liquor Control, OBCC, Trapp Coalition, Department of Health, VTLSP, GMPP, and all these groups working together helped us to meet the Vermont standards adopted by the state for all students in the state.

And we would like to turn it over to Angel.

ANGEL BOISE: As Becki Kenyon already said, my name is Angel Boise. I would Just like to say we have received positive and negative comments about this day. We had several students absent that day because they thought they would be ineffective. The day had turned out to have a big impact on the faculty, students and community members. The students that missed Power of Choice realized that they had missed out on a great day. Some of the positive comments were that it was a wonderful day, it had a big impact and it was unbelievable. Thank you for all your time.

HILLARY KNAPP: It has been a privilege to be here today. As a small token of our appreciation, we would like to present you with our Otter Valley mascot, the otter, and it is from us at Otter Teen Network and Otter Valley Union High School.

LITERACY INVOLVES FAMILIES TOGETHER ACT

SPEECH OF

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 12, 2000

Mr. PETRI. Mr. Speaker, I would like to thank Chairman GOODLING for allowing me the opportunity to support this bill.

We are here today to consider H.R. 3222, the Literacy Involves Families Together Act. This bill ensures that family literacy programs like Even Start will continue to help many families break the cycle of literacy that often leads to poverty, unemployment, and dependency on federal support programs.

This country has come a long way since we were all children.

Although this nation has always placed an emphasis on education, we now live in an age when just having a high school education is not enough to prepare our children for the professional world. Global competition, the internet, and widespread use of technology all indicate that the economy of the 21st century will create new challenges for employers and workers. In order to attain that high quality of life we all strive for, the generations after us will need to meet higher educational standards.

But, in the course of attempting to ensure access to a college education for all who can benefit from it, we cannot forget about those less fortunate—the parents and children who, for whatever reason, have not yet mastered the basic yet essential skills of reading and writing.

H.R. 3222 would improve the quality of services provided under Even Start and other family literacy programs: By providing training and technical assistance to local providers, by requiring that instructional programs are based on scientific research on reading, by funding research on the teaching of reading to adults in family literacy and other adult education programs, and by establishing qualifications for instructional staff in Even Start programs—whose salaries are paid almost entirely with Even Start dollars.

In addition, I would also like to take a moment to express a few words for my colleague and dear friend BILL GOODLING.

The Education and the Workforce Committee was blessed the day BILL was elected to Congress. Drawing on his experiences as a coach, a high school principal, and a Superintendent of schools, BILL has always approached the issue of education with the interests of America's children at heart. H.R. 3222 is a monument and a fitting tribute to a man of honor, integrity, courage, and vision. As a member of the majority and minority, BILL has maintained his loyalty to our children, often in the face of fervid opposition by many who put their own special interests ahead of the well being of America's kids.

It has been my pleasure and honor to have known Mr. BILL GOODLING for 22 years, and I will miss him—as much as he misses his horses when he's in Washington—when he retires at the end of this session.

Again, I thank Chairman GOODLING for this opportunity to support H.R. 3222, and more importantly, for his participation and leadership as a Member of Congress, and as Chairman of the House Education and the Workforce Committee.

PERSONAL EXPLANATION

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Mr. FILNER. Mr. Speaker, yesterday, Tuesday, September 12, 2000, I was testifying before the Federal Electricity Regulatory Commission, which held a hearing in San Diego, CA, regarding our electricity rate crisis. Had I been able to be present for Rollcalls, I would have voted as follows: Rollcall No. 460—''yea'', Rollcall No. 461—''yea'', Rollcall No. 462—''yea'', Rollcall No. 463—''yea'', Rollcall No. 464—''yea''.

IN RECOGNITION OF STEPFAMILY DAY IN MICHIGAN AND THE IMPORTANT CONTRIBUTIONS OF THE STEPFAMILY ASSOCIATION OF AMERICA

HON. DEBBIE STABENOW

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 13, 2000

Ms. STABENOW. Mr. Speaker, today I recognize Stepfamily Day, which is promoted by the Stepfamily Association of America (SAA) as a day to recognize and celebrate the importance of stepfamilies throughout our nation. On the 16th of September, stepfamilies will be coming together in Michigan and many other states to commemorate their special bonds.

Due to the efforts of Michigan's Christy Borgeld, Stepfamily Day founder and board member of the SAA, Stepfamily Day picnics will be held in Michigan and throughout the nation. Mr. Speaker, this event is but one example of the strides this organization has made in its dedication to the acceptance, support and success of stepfamily living. As it was so aptly put by Christy and the SAA:

> Our nation has been blessed by thousands of loving stepparents and stepchildren who are daily reminders of the joys, trials and triumphs of the family experience and of the boundless love contained in the bond between parents and children.

It is my pleasure to pay tribute to the SAA for its commitment and hard work on behalf of American families, and to wish families in Michigan and nationwide a happy and successful Stepfamily Day.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, September 14, 2000 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

SEPTEMBER 15

10 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold oversight hearings to examine Federal agency preparedness for the Summer 2000 wildfires.
SD–366

SEPTEMBER 18

1:30 p.m.
Aging
To hold hearings to examine the underuse of hospice care in America.
SD–562

SEPTEMBER 19

9:30 a.m.
Armed Services
To hold hearings on United States policy towards Iraq.
SH–216

Governmental Affairs
To hold hearings on the nomination of George A. Omas, of Mississippi, to be a Commissioner of the Postal Rate Commission.
SD–342

2:30 p.m.
Energy and Natural Resources
Water and Power Subcommittee
To hold hearings on H.R. 3577, to increase the amount authorized to be appropriated for the north side pumping division of the Minidoka reclamation project, Idaho; S. 2906, to authorize the Secretary of the Interior to enter into contracts with the city of Loveland, Colorado, to use Colorado-Big Thompson Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, and other beneficial purposes; S. 2942, to extend the deadline for commencement of construction of certain hydroelectric projects in the State of West Virginia; S. 2951, to authorize the Commissioner of Reclamation to conduct a study to investigate opportunities to better manage the water resources in the Salmon Creek watershed of the upper Columbia River; and S. 3022, to direct the Secretary of the Interior to convey certain irrigation facilities to the Nampa and Meridian Irrigation District.
SD–366

SEPTEMBER 20

9:30 a.m.
Health, Education, Labor, and Pensions
Business meeting to consider pending calendar business.
SD–430

Environment and Public Works
Transportation and Infrastructure Subcommittee
To hold hearings to examine the GAO investigation of the Everglades and water quality issues.
SD–406

2:30 p.m.
Energy and Natural Resources
Energy Research, Development, Production and Regulation Subcommittee
To hold hearings on S. 2933, to amend provisions of the Energy Policy Act of 1992 relating to remedial action of uranium and thorium processing sites.
SD–366

Foreign Relations
To hold hearings to examine issues relating to Fidel Castro.
SD–419

SEPTEMBER 21

3 p.m.
Foreign Relations
African Affairs Subcommittee
To hold hearings on anti-corruption efforts and african economic development.
SD–419

SEPTEMBER 22

10 a.m.
Commission on Security and Cooperation in Europe
To hold hearings to examine the status of policing reforms in Northern Ireland as envisioned by the Good Friday Agreement.
2172, Rayburn Building

SEPTEMBER 26

9:30 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans' Affairs on the Legislative recommendation of the American Legion.
345, Cannon Building

SEPTEMBER 27

9:30 a.m.
Armed Services
To hold hearings to examine the status of U.S. military readiness.
SH–216

2:30 p.m.
Foreign Relations
Business meeting to consider pending calendar business.
SD–419

SEPTEMBER 28

9:30 a.m.
Armed Services
To resume hearings on United States policy towards Iraq.
SH–216

POSTPONEMENTS

SEPTEMBER 20

9:30 a.m.
Small Business
To hold hearings on the United States Forest Service compliance with the Regulatory Flexibility Act.
SR–428A

Daily Digest

HIGHLIGHTS

House Committees ordered reported 14 sundry measures.

Senate

Chamber Action

Routine Proceedings, pages S8439–S8533

Measures Introduced: Five bills and three resolutions were introduced, as follows: S. 3040–3044, S. Res. 356–357, and S. Con. Res. 135. **Page S8501**

Measures Reported:

S. 3041, making appropriations for the government of the District of Columbia and other activities chargeable in whole or part against the revenues of said District for the fiscal year ending September 30, 2001. (S. Rept. No. 106–409)

H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, with an amendment in the nature of a substitute. (S. Rept. No. 106–410)

H.R. 1102, to provide for pension reform, with an amendment in the nature of a substitute. (S. Rept. No. 106–411) **Page S8501**

Measures Passed:

Secure Rural Schools and Community Self-Determination Act: Senate passed S. 1608, to provide stability and predictability to the annual payments made to States and counties containing National Forest System lands and public domain lands managed by the Bureau of Land Management for the benefit of public schools and roads and to enhance the health, diversity and productivity of federal lands, after agreeing to a committee amendment in the nature of a substitute, and the following amendment proposed thereto: **Pages S8514–26**

Craig/Wyden Amendment No. 4139, in the nature of a substitute. **Pages S8519–26**

Select Committee on Intelligence Documentary Production: Senate agreed to S. Res. 356, to authorize documentary production by the Select Committee on Intelligence. **Pages S8526–27**

Adrian A. Spears Judicial Training Center: Senate passed H.R. 1959, to designate the Federal building located at 643 East Durango Boulevard in San Antonio, Texas, as the ''Adrian A. Spears Judicial Training Center'', clearing the measure for the President. **Page S8527**

Pamela B. Gwin Hall: Senate passed H.R. 1729, to designate the Federal facility located at 1301 Emmet Street in Charlottesville, Virginia, as the ''Pamela B. Gwin Hall'', clearing the measure for the President. **Page S8527**

Kika de la Garza United States Border Station: Senate passed H.R. 1901, to designate the United States border station located in Pharr, Texas, as the ''Kika de la Garza United States Border Station'', clearing the measure for the President. **Page S8527**

James H. Quillen United States Courthouse: Senate passed H.R. 4608, to designate the United States courthouse located at 220 West Depot Street in Greeneville, Tennessee, as the ''James H. Quillen United States Courthouse'', clearing the measure for the President. **Page S8527**

Welcoming Prime Minister of India: Senate agreed to S. Res. 357, welcoming Prime Minister Atal Bihari Vajpayee, Prime Minister of India, upon his first official visit to the United States. **Page S8527**

Enrollment Correction: Senate agreed to H. Con. Res. 394, directing the Secretary of the Senate to make technical corrections in the enrollment of S. 1374. **Page S8528**

PNTR (Permanent Normal Trade Relations) for China: Senate continued consideration of H.R. 4444, 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, taking action on the following amendments proposed thereto: **Pages S8443–94**

Rejected:

By 33 yeas to 62 nays (Vote No. 240), Byrd Amendment No. 4131, to improve the certainty of the implementation of import relief in cases of affirmative determinations by the International Trade Commission with respect to market disruption to domestic producers of like or directly competitive products. **Pages S8443–44, S8449**

By 29 yeas to 66 nays (Vote No. 241), division 6 of Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting. **Pages S8443, S8445–49**

Thompson Amendment No. 4132, to provide for the application of certain measures to covered countries in response to the contribution to the design, production, development, or acquisition of nuclear, chemical, or biological weapons or ballistic or cruise missiles. (By 65 yeas to 32 nays (Vote No. 242), Senate tabled the amendment.) **Pages S8443, S8450–68**

By 43 yeas to 53 nays (Vote No. 243), Helms Amendment No. 4128, to express the sense of Congress regarding forced abortions in the People's Republic of China. **Pages S8469–71, S8472–76, S8490–91**

By 23 yeas to 73 nays (Vote No. 244), Helms Amendment No. 4123, to require the Secretary of Commerce to consult with leaders of American businesses to encourage them to adopt a code of conduct for doing business in the People's Republic of China. **Pages S8471–72, S8476–84, S8491**

By 18 yeas to 78 nays (Vote No. 245), Feingold Amendment No. 4138, to make technical changes relating to the recommendations of the Congressional-Executive Commission on the People's Republic of China. **Pages S8484–87, S8491–92**

By 22 yeas to 74 nays (Vote No. 246), Wellstone Amendment No. 4120, to require that the President certify to Congress that the People's Republic of China has responded to inquiries regarding certain people who have been detained or imprisoned and has made substantial progress in releasing from prison people incarcerated for organizing independent trade unions. **Pages S8443, S8487–90, S8492**

Pending:

Wellstone Amendment No. 4118, to require that the President certify to Congress that the People's Republic of China has taken certain actions with respect to ensuring human rights protection. **Page S8443**

Wellstone Amendment No. 4121, to strengthen the rights of workers to associate, organize and strike. **Page S8443**

Smith (of N.H.) Amendment No. 4129, to require that the Congressional-Executive Commission monitor the cooperation of the People's Republic of China with respect to POW/MIA issues, improvement in the areas of forced abortions, slave labor, and organ harvesting (divisions 1 through 5). **Page S8443**

Hollings Amendment No. 4134, to direct the Securities and Exchange Commission to require corporations to disclose foreign investment-related information in 10–K reports. **Page S8443**

Hollings Amendment No. 4135, to authorize and request the President to report to the Congress annually beginning in January, 2001, on the balance of trade with China for cereals (wheat, corn, and rice) and soybeans, and to direct the President to eliminate any deficit. **Page S8443**

Hollings Amendment No. 4136, to authorize and request the President to report to the Congress annually, beginning in January, 2001, on the balance of trade with China for advanced technology products, and direct the President to eliminate any deficit. **Page S8443**

Hollings Amendment No. 4137, to condition eligibility for risk insurance provided by the Export-Import Bank or the Overseas Private Investment Corporation on certain certifications. **Page S8444**

A unanimous-consent-time agreement was reached providing for all remaining first degree amendments be limited to no more than one hour, to be equally divided in the usual form, and that no second degree amendments be in order. Further, that following disposition of these amendments and general debate on the bill, the bill be advanced to third reading and passage occur. **Page S8493**

A unanimous-consent agreement was reached providing for further consideration of the bill and pending amendments on Thursday, September 14, 2000. **Page S8528**

Escort Committee—Agreement: A unanimous-consent agreement was reached providing that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the Prime Minister of India into the House Chamber for the joint meeting on Thursday, September 14, 2000. **Page S8527**

Removal of Injunction of Secrecy: The injunction of secrecy was removed from the following treaty:

Joint Convention on the Safety of Spent Fuel and Radioactive Waste Management (Treaty Doc. No. 106–48).

The treaty was transmitted to the Senate today, considered as having been read for the first time, and referred, with accompanying papers, to the Committee on Foreign Relations and was ordered to be printed. **Pages S8527–28**

Nominations Received: Senate received the following nominations:

Richard W. Anderson, of Montana, to be United States District Judge for the District of Montana vice Charles C. Lovell, retired.

78 Army nominations in the rank of general.

Routine lists in the Marine Corps, Navy.

Pages S8532–33

Messages From the House: Pages S8496–97

Measures Referred: Page S8497

Measures Placed on Calendar: Page S8497

Measures Read First Time: Page S8497

Communications: Pages S8497–99

Petitions: Pages S8499–S8501

Statements on Introduced Bills: Pages S8501–05

Additional Cosponsors: Pages S8505–06

Amendments Submitted: Pages S8508–13

Authority for Committees: Pages S8513–14

Additional Statements: Pages S8495–96

Record Votes: Seven record votes were taken today. (Total—246) Pages S8449, S8468, S8490–92

Adjournment: Senate convened at 9:30 a.m., and adjourned at 8:25 p.m., until 11 a.m., on Thursday, September 14, 2000. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S8528.)

Committee Meetings

(Committees not listed did not meet)

BUSINESS MEETING

Committee on Appropriations: Committee ordered favorably reported the following business items:

H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, with an amendment in the nature of a substitute; and

An original bill (S. 3041) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against revenues of said District for the fiscal year ending September 30, 2001.

BUSINESS MEETING

Committee on Appropriations: Subcommittee on VA, HUD, and Independent Agencies approved for full committee consideration H.R. 4635, making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 2001, with an amendment in the nature of a substitute.

COIN DESIGN SYMPOSIUM

Committee on Banking, Housing, and Urban Affairs: Committee met to discuss U.S. coin designs, focusing on the physical and fiscal concerns regarding changing circulating coin designs, after receiving testimony from Jay W. Johnson, Director, and Thomas D. Rogers, Engraver/Artist, both of the United States Mint, Department of the Treasury; Richard G. Doty, Curator of Numismatics, Smithsonian Institution; H. Robert Campbell, American Numismatic Association, Colorado Springs, Colorado; and Ute Wartenburg, American Numismatic Society, New York, New York.

MARKETING VIOLENCE TO CHILDREN

Committee on Commerce, Science, and Transportation: Committee held hearings on the Federal Trade Commission report which examines the marketing of violence in movies, television, music, and video games to children, and recommendations to curtail their exposure, including entertainment industry self-regulation, the need for legislative oversight, enforcement of rating guidelines, and parental involvement and responsibility, receiving testimony from Senators Boxer, DeWine, Hagel, Hatch, Kohl, and Lieberman; Representatives Hyde and Markey; Robert Pitofsky, Chairman, Federal Trade Commission; Danny Goldberg, Artemis Records, and Strauss Zelnick, BMG Entertainment-North America, both of New York, New York; Peter Moore, Sega of America, Inc., San Francisco, California; Gregory Fischbach, Acclaim Entertainment, Inc., Glen Cove, New York; Tom Diaz, Violence Policy Center, Hilary Rosen, Recording Industry Association, Douglas Lowenstein, Interactive Digital Software Association, Daniel B. Borenstein, American Psychiatric Association, on behalf of the American Academy of Child and Adolescent Psychiatry, Jack Valenti, Motion Picture Association of America, and Jeff McIntyre, American Psychological Association, all of Washington, D.C.; Donald E. Cook, University of Colorado School of Medicine, Denver, on behalf of the American Academy of Pediatrics; and Michael E. Dyson, DePaul University Ida B. Wells-Barnett University, Chicago, Illinois.

Hearings recessed subject to call.

BUSINESS MEETING

Committee on Energy and Natural Resources: Committee met and began consideration of H.R. 3236, to authorize the Secretary of the Interior to enter into contracts with the Weber Basin Water Conservancy

District, Utah, to use Weber Basin Project facilities for the impounding, storage, and carriage of nonproject water for domestic, municipal, industrial, S. 1848, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planing, and construction of the Denver Water Reuse project, S. 2594, to authorize the Secretary of the Interior to contract with the Mancos Water Conservancy District to use the Mancos Project facilities for impounding, storage, diverting, and carriage of nonproject water for the irrigation, domestic, municipal, and industrial purposes, H.R. 1680, to provide for the conveyance of Forest Service property in Kern County, California, in exchange for county lands suitable for inclusion in Sequoia National Forest, S. 2111, to direct the Secretary of Agriculture to convey for fair market value 1.06 acres of land in the San Bernardino National Forest, California, to KATY 101.3 FM, a California corporation, S. 2301, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Lakehaven water reclamation project for the reclamation and reuse of water, S. 2163, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington, H.R. 1235, to authorize the Secretary of the Interior to enter into contracts with the Solano County Water Agency, California, to use Solano Project facilities for impounding, storage, and carriage of nonproject water for domestic, municipal, and industrial purposes, S. 2195, to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of the Truckee watershed reclamation project for the reclamation and reuse of water, S. 2350, to direct the Secretary of the Interior to convey certain water rights to Duchesne City, Utah, S. 2877, to authorize the Secretary of the Interior to conduct a feasibility study on water optimization in the Burnt River basin, Malheur River basin, Owyhee River basin, and Powder River basin, Oregon, S. 2757, to provide for the transfer or other disposition of certain lands at Melrose Air Force Range, New Mexico, and Yakima Training Center, Washington, H.R. 4063, to establish the Rosie the Riveter-World War II Home Front National Historical Park in the State of California, S. 2345, to direct the Secretary of the Interior to conduct a special resource study concerning the preservation and public use of sites associated with Harriet Tubman located in Auburn, New York, H.R. 4115, to authorize appropriations for the United States Holocaust Memorial Museum, and H. Con. Res. 89, recognizing the Hermann Monument and Hermann Heights Park in New Ulm, Minnesota, as a national symbol of the contributions of Americans of German heritage, but did not complete final action thereon, and will meet again on Wednesday, September 20.

FORESTS AND PUBLIC LAND MANAGEMENT

Committee on Energy and Natural Resources: Subcommittee on Forests and Public Land Management concluded hearings on S. 2873, to provide for all right, title, and interest in and to certain property in Washington County, Utah, to be vested in the United States, H.R. 3676 and S. 2784, bills to establish the Santa Rosa and San Jacinto Mountains National Monument in the State of California, S. 2865, to designate certain land of the National Forest System located in the State of Virginia as wilderness, H.R. 4275 and S. 2956, bills to establish the Colorado Canyons National Conservation Area and the Black Ridge Canyons Wilderness, and S. 2977, to assist in the establishment of an interpretive center and museum in the vicinity of the Diamond Valley Lake in southern California to ensure the protection and interpretation of the paleontology discoveries made at the lake and to develop a trail system for the lake for use by pedestrians and nonmotorized vehicles, after receiving testimony from Representative Bono; Tom Fry, Director, Bureau of Land Management, Department of the Interior; Paul Brouha, Associate Deputy Chief, Forest Service, Department of Agriculture; Glen Peterson, Metropolitan Water District of Southern California, Los Angeles; James Doyle, Environmental Land Technology, Ltd., Sun Valley, Idaho; Brad Quayle, KSL Recreation Corporation, La Quinta, California; and Ed Kibbey, Building Industry Association of Southern California, and Katie Barrows, Friends of the Desert Mountain, on behalf of the Coachella Valley Mountains Conservancy, both of Palm Desert, California.

COLUMBIA RIVER POWER AND SALMON RECOVERY

Committee on Environment and Public Works: Subcommittee on Fisheries, Wildlife, and Drinking Water held hearings to examine the biological opinion on the Federal Columbia River Power System and the Federal Caucus Draft Basinwide Salmon Recovery Strategy, receiving testimony from William Stelle, Jr., Northwest Regional Administrator, National Marine Fisheries Service, Department of Commerce; Col. Eric T. Mogren, Deputy Division Engineer, Northwestern Division, U.S. Army Corps of Engineers; Judith A. Johansen, Administrator/ Chief Executive Officer, Bonneville Power Administration, Department of Energy; David Cottingham, Special

Assistant to the Director, U.S. Fish and Wildlife Service, Department of the Interior; Idaho Governor Dirk Kempthorne, Boise; Samuel Penny, Nez Perce Tribe, Lapwai, Idaho, on behalf of the Columbia River Inter-Tribal Fish Commission; Lionel Q. Boyer, Shoshone-Bannock Tribes, Fort Hall, Idaho; and John Etchart, Helena, Montana, Eric J. Bloch, Portland, Oregon, and Frank L. Cassidy, Vancouver, Washington, all on behalf of the Northwest Power Planning Council.

Hearings continue tomorrow.

TREATIES/NOMINATION

Committee on Foreign Relations: Committee concluded hearings on Investment Treaty with Bahrain (Treaty Doc. 106–25), Investment Treaty with Bolivia (Treaty Doc. 106–26), Investment Treaty with Honduras (Treaty Doc. 106–27), Investment Treaty with El Salvador (Treaty Doc. 106–28), Investment Treaty with Croatia (Treaty Doc. 106–29), Investment Treaty with Jordan (Treaty Doc. 106–30), Investment Treaty with Uzbekistan (Treaty Doc. 104–25), Investment Treaty with Mozambique (Treaty Doc. 106–31), Investment Treaty with Lithuania (Treaty Doc. 106–42), Treaty with Mexico on Delimitation of Continental Shelf (Treaty Doc. 106–39), and Protocol Relating to the Madrid Agreement (Treaty Doc. 106–41), Investment Treaty with Azerbijan (Treaty Doc. 106–47), Protocol Amending Investment Treaty with Panama (Treaty Doc. 106–46), after receiving testimony from Mary Beth West, Deputy Assistant Secretary for Oceans and Fisheries, and Janice F. Bay, Deputy Assistant Secretary, International Finance and Development, Bureau of Economic and Business Affairs, both of the Department of State.

Also, committee concluded hearings on the nomination of Barry Edward Carter, of the District of Columbia, to be an Assistant Administrator of the United States Agency for International Development, after the nominee, who was introduced by Senator Baucus, testified and answered questions in his own behalf.

NOMINATIONS

Committee on Governmental Affairs: Committee concluded hearings on the nominations of John Ramsey Johnson and Gerald Fisher, each to be an Associate Judge of the Superior Court of the District of Columbia, after the nominees testified and answered questions in there own behalf. Mr. Johnson and Mr. Fisher were introduced by Representative Norton.

INTELLIGENCE

Select Committee on Intelligence: Committee held closed hearings on intelligence matters, receiving testimony from officials of the intelligence community.

LONG-TERM CARE INSURANCE COSTS

Special Committee on Aging: Committee concluded hearings to examine issues relating to long-term care insurance, including protecting consumers from unanticipated premium increases, rate stabilization regulation, and proposed legislation to allow tax incentives towards the purchase of policies, after receiving testimony from William J. Scanlon, Director, Health Financing and Public Health Issues, Health, Education, and Human Services Division, General Accounting Office; Kathleen Sebelius, Kansas Insurance Department, Topeka, on behalf of the National Association of Insurance Commissioners; Allan Kanner, Allan Kanner and Associates/Tulane Law School, New Orleans, Louisiana; Charles N. Kahn, III, Health Insurance Association of America, Washington, D.C.; and David S. Martin, John Hancock Life Insurance Company, Boston, Massachusetts, on behalf of the American Council of Life Insurers.

House of Representatives

Chamber Action

Bills Introduced: 10 public bills, H.R. 5163–5172; and 2 resolutions, H. Con. Res. 398–399, were introduced. **Pages H7577–78**

Reports Filed: Reports were filed today as follows.

H.R. 4986, to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income, amended (H. Rept. 106–845). **Page H7577**

Journal: Agreed to the Speaker's approval of the Journal of Tuesday, September 12, 2000 by a yea and nay vote of 337 yeas to 51 nays with 2 voting "present", Roll No. 465. **Pages H7505, H7508–09**

Marriage Tax Penalty Relief Act of 2000—Veto Override: The House failed to override the President's veto of H.R. 4810, to provide for reconciliation pursuant to section 103(a)(1) of the concurrent resolution on the budget for fiscal year 2001 by a ⅔ yea and nay vote of 270 yeas to 158 nays, Roll No. 466. Subsequently, the President's veto message

and the bill were referred to the Committee on Ways and Means. **Pages H7509–20**

Suspensions: The House agreed to suspend the rules and pass the following measures:

Strengthening United States-India Relations: H. Res. 572, expressing the sense of the House of Representatives that it is in the interest of both the United States and the Republic of India to expand and strengthen United States-India relations, intensify bilateral cooperation in the fight against terrorism, and broaden the ongoing dialogue between the United States and India, of which the upcoming visit to the United States of the Prime Minister of India, Atal Bihari Vajpayee, is a significant step. (Debated and agreed to by voice vote on September 12, 2000. Agreed today to vacate the request for an electronic vote on the motion); **Page H7520**

Foreign Sales Corporation Repeal and Extraterritorial Income Exclusion: H.R. 4986, amended, to amend the Internal Revenue Code of 1986 to repeal the provisions relating to foreign sales corporations (FSCs) and to exclude extraterritorial income from gross income (Debated on September 12, 2000. Passed by a recorded vote of 315 ayes to 109 noes with 1 voting "present," Roll No. 467); and **Page H7521**

Honoring the Service and Sacrifice by the United States Merchant Marine: H. Con. Res. 327, honoring the service and sacrifice during periods of war by members of the United States Merchant Marine. (Debated on September 12, 2000. Passed by a yea and nay vote of 418 yeas with none voting "nay", Roll No. 469). **Pages H7522–23**

Suspension Failed—Repeal of Boy Scouts Federal Charter: The House failed to pass H.R. 4892, to repeal the Federal charter of the Boy Scouts of America by a yea and nay vote of 12 yeas to 362 nays with 51 voting "present", Roll No. 468. The bill was debated on September 12, 2000. **Pages H7521–22**

DOD Authorization—Motion to Instruct: Rejected the Graham motion to instruct conferees on the Senate amendment to H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, not to agree to provisions which (1) fail to recognize that the 14th amendment to the Constitution guarantees all persons equal protection under the law; (2) deny equal protection under the law by conditioning prosecution of certain offenses on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim; and (3) preclude a person convicted of murder from being sentenced to death by a yea and nay vote of 196 yeas to 227 nays, Roll No. 470. **Pages H7523–32**

DOD Authorization—Motion to Instruct: Agreed to the Conyers motion to instruct conferees on the Senate amendment to H.R. 4205, to authorize appropriations for fiscal year 2001 for military activities of the Department of Defense and for military construction, to prescribe military personnel strengths for fiscal year 2001, to agree to the provisions contained in title XV of the Senate amendment by a yea and nay vote of 232 yeas to 192 nays, Roll No. 471. **Pages H7532–41**

Presidential Transition Act: The House passed H.R. 4931, to provide for the training or orientation of individuals, during a Presidential transition, who the President intends to appoint to certain key positions, to provide for a study and report on improving the financial disclosure process for certain Presidential nominees. **Pages H7542–43**

Member of the Republican Conference: Read a letter from Representative Martinez wherein he announced his affiliation with the Republican conference. Subsequently, read letters from Representative Frost and the Speaker dealing with his resignation from the Democratic Caucus and vacating his election to the Committees on Education and the Workforce and International Relations. **Pages H7541–42**

Quorum Calls—Votes: Six yea and nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H7508–09, H7520, H7521, H7521–22, H7522–23, H7531–32, and H7541. There were no quorum calls.

Adjournment: The House met at 10 a.m. and adjourned at 7:40 p.m.

Committee Meetings

ANIMAL WELFARE ACT AMENDMENTS

Committee on Agriculture: Held a hearing on H.R. 1275, to amend the Animal Welfare Act to prohibit the interstate movement of live birds for the purpose of having the birds participate in animal fighting. Testimony was heard from public witnesses.

UPPER MISSISSIPPI RIVER BASIN CONSERVATION ACT

Committee on Agriculture: Subcommittee on General Farm Commodities, Resource Conservation, and Credit held a hearing on H.R. 4013, Upper Mississippi River Basin Conservation Act of 2000. Testimony was heard from Representatives Gutknecht and Kind; Thomas A. Weber, Deputy Chief, Programs, Natural Resources Conservation Service,

USDA; Robert Hirsch, Associate Director, Water, U.S. Geological Survey, Department of the Interior; and a public witness.

IDENTITY THEFT PREVENTION ACT

Committee on Banking and Financial Services: Held a hearing on H.R. 4311, Identity Theft Prevention Act of 2000, and related financial fraud issues. Testimony was heard from Representatives Hooley and LaTourette; Betsy Broder, Assistant Director, Division of Planning and Information, FTC; Bruce Townsend, Special Agent in Charge, Financial Crimes Division, U.S. Secret Service, Department of the Treasury; and public witnesses.

CONTROLLING WILDFIRES

Committee on the Budget: Task Force on Natural Resources and the Environment held a hearing on Controlling Wildfires In the Future: What Strategies and Resources Are Needed? Testimony was heard from Randle G. Phillips, Deputy Chief, Programs and Legislation, Forest Service, USDA; Barry T. Hill, Associate Director, Energy Resource and Science Issues, GAO; and a public witness.

"ORGANIZED CRIME ON WALL STREET"

Committee on Commerce: Subcommittee on Finance and Hazardous Materials held a hearing entitled: "Organized Crime on Wall Street." Testimony was heard from Thomas V. Fuentes, Chief, Organized Crime Section, Criminal Investigation Division, FBI, Department of Justice; Richard H. Walker, Director, Division of Enforcement, SEC; and public witnesses.

SECURING THE HEALTH OF THE AMERICAN PEOPLE

Committee on Commerce: Subcommittee on Health and Environment held a hearing on Securing the Health of the American People: focusing on the following measures: H.R. 2399, National Commission for the New National Goal: The Advancement of Global Health Act; H.R. 4242, Orphan Drug Innovation Act; H.R. 762, Lupus Research and Care Amendments of 1999; H.R. 3677, Thomas Navarro FDA Patient Rights Act; H.R. 1795, National Institute of Biomedical Imaging and Engineering Establishment Act; and a resolution recognizing the importance of researching childhood cancers. Testimony was heard from Jack McCormick, Deputy Director, Office of Orphan Drugs, FDA, Department of Health and Human Services; and public witnesses.

TRUTH IN TELEPHONE BILLING ACT

Committee on Commerce: Subcommittee on Telecommunications, Trade, and Consumer Protection approved for full Committee action, as amended, H.R. 3011, Truth in Telephone Billing Act of 1999.

Subcommittee recessed until September 18.

RECRUITMENT AND RETENTION OF QUALITY TEACHERS

Committee on Education and the Workforce: Subcommittee on Postsecondary Education, Training, and Life-Long Learning held a hearing on Recruitment and Retention of Quality Teachers. Testimony was heard from public witnesses.

LABORATORIES OF DEMOCRACY

Committee on Government Reform: Subcommittee on National Economic Growth, Natural Resources, and Regulatory Affairs held a hearing on Lessons From the Laboratories of Democracy: Environmental Innovation in the States. Testimony was heard from Joe Hackney, Representative, State of North Carolina; Jim Seif, Secretary, Department of Environmental Protection, State of Pennsylvania; Landon Marsh, Director, Department of Environmental Quality, State of Oregon; Karen Studders, Commissioner, Pollution Control Agency, State of Minnesota; Lisa Polak Edgar, Deputy Director, Department of Environmental Protection, State of Florida; Christopher Recchia, Deputy Commissioner, Department of Environmental Conservation, State of Vermont; and public witnesses.

BIOLOGICAL WEAPONS CONVENTION

Committee on Government Reform: Subcommittee on National Security, Veterans' Affairs, and International Relations held a hearing on Biological Weapons Convention: Status and Implications. Testimony was heard from Ambassador Donald A. Mahley, Special Negotiator, Chemical and Biological Arms Control, Department of State; Susan Koch, Deputy Assistant Secretary (Threat Reduction Policy), Department of Defense; Roger Majak, Assistant Secretary, Bureau of Export Administration, Department of Commerce; Jack L. Brock, Jr., Managing Director, Acquisition and Sourcing Management, GAO; and public witnesses.

WESTERN SAHARA—U.N. REFERENDUM

Committee on International Relations: Subcommittee on Africa held a hearing on U.N. Referendum for Western Sahara: 9 Years and Counting. Testimony was heard from Allen Keiswetter, Deputy Assistant Secretary, Near Eastern Affairs, Department of State.

MISCELLANEOUS MEASURES

Committee on International Relations: Subcommittee on Asia and the Pacific approved for full Committee action the following measures: H. Con. Res. 328, amended, expressing the sense of the Congress in recognition of the 10th anniversary of the free and

fair elections in Burma and the urgent need to improve the democratic and human rights of the people of Burma; and H. Con. Res. 397, voicing concern about serious violations of human rights and fundamental freedoms in most states of Central Asia, including substantial noncompliance with their Organization for Security and Cooperation in Europe (OSCE) commitments on democratization and the holding of free and fair elections.

CORPORATE AND INDUSTRIAL ESPIONAGE

Committee on International Relations: Subcommittee on International Economic Policy and Trade held a hearing on Corporate and Industrial Espionage and Their Effects on American Competitiveness. Testimony was heard from Sheila Horan, Deputy Assistant Director, Counter Intelligence, FBI, Department of Justice; and public witnesses.

MISCELLANEOUS MEASURES

Committee on the Judiciary: Ordered reported the following bills: H.R. 3575, Student Athlete Protection Act; Opportunities Act; H.R. 5106, Copyright Technical Corrections Act of 2000; H.R. 5107, Work Made for Hire and Copyright Corrections Act of 2000; and H.R. 534, amended, Fairness and Voluntary Arbitration Act.

H.R. 534, Fairness and Voluntary Arbitration Act; H.R. 4548, Agricultural Opportunities Act.

MISCELLANEOUS MEASURES

Committee on Resources: Ordered reported the following measures: S. 426, Huna Totem Corporation Public Interest Land Exchange Act; S. 964, Cheyenne River Sioux Tribe Equitable Compensation Act; H.R. 1500, America's Wilderness Protection Act; S. 1778, to provide for equal exchanges of land around the Cascade Reservoir; H.R. 3067, amended, Nampa and Meridian Conveyance Act; H.R. 3986, amended, to provide for a study of the engineering feasibility of a water exchange in lieu of electrification of the Chandler Pumping Plant at Prosser Diversion Dam, Washington; H.R. 4613, amended, National Historic Lighthouse Preservation Act of 2000; H.R. 4656, to authorize the Forest Service to convey certain lands in the Lake Tahoe Basin to the Washoe County School District for use as an elementary school site; and H.R. 4800, amended, Ronald Reagan Recognition Act of 2000.

HOUSE RULES—PROPOSED CHANGES

Committee on Rules: Held a hearing to receive Member testimony on proposed changes to House Rules. Testimony was heard from Representatives Burton of Indiana, Morella, Davis of Virginia, Gary Miller of California, Tancredo, Norton and Underwood.

NASA'S SPACE SCIENCE ENTERPRISE

Committee on Science: Subcommittee on Space and Technology held a hearing on the State of NASA's Space Science Enterprise. Testimony was heard from Edward Weiler, Associate Administrator, Office of Space Science, NASA; and public witnesses.

TECHNICAL STANDARDS ROLE IN TODAY'S SOCIETY

Committee on Science: Subcommittee on Technology held a hearing on the Role of Technical Standards in Today's Society and in the Future. Testimony was heard from Raymond Kammer, Director, National Institutes of Standards and Technology, Department of Commerce; and public witnesses.

DOT'S PROPOSED NEPA AND PLANNING RULES

Committee on Transportation and Infrastructure: Subcommittee on Ground Transportation held a hearing on the Department of Transportation's Proposed NEPA and Planning Rules. Testimony was heard from the following officials of the Department of Transportation: Kenneth R. Wykle, Administrator, Federal Highway Administration; and Patrick R. Reilly, Chief Counsel, Federal Transit Administration; Mary E. Peters, Director, Department of Transportation, State of Arizona; and public witnesses.

FEDERAL AGENCY SHUTTLES

Committee on Transportation and Infrastructure: Subcommittee on Oversight, Investigations, and Emergency Management held a hearing on Federal Agency Shuttles. Testimony was heard from G. Martin Wagner, Associate Administrator, Governmentwide Policy, GSA; and William G. Dowd, Director, Office of Plans Review, National Capital Planning Commission.

DEPARTMENT OF VETERANS AFFAIRS HEALTH CARE PERSONNEL ACT

Committee on Veterans' Affairs: Ordered reported, as amended, H.R. 5109, Department of Veterans Affairs Health Care Personnel Act of 2000.

AFRICAN DIAMONDS TRADE

Committee on Ways and Means: Subcommittee on Trade held a hearing on trade in African diamonds. Testimony was heard from Representatives Hall of Ohio, Wolf, Payne and McKinney; William B. Wood, Principal Deputy Assistant Secretary, International Organization Affairs, Department of State; and public witnesses.

COMMITTEE MEETINGS FOR THURSDAY, SEPTEMBER 14, 2000

(Committee meetings are open unless otherwise indicated)

Senate

Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education, to hold hearings to examine stem cell research, 9:30 a.m., SH–216.

Committee on the Budget, to hold hearings on budgeting for defense, focusing on maintaining today's forces, 2 p.m., SD–608.

Committee on Commerce, Science, and Transportation, to hold hearings to examine air traffic control delays; to be followed by a hearing on the nominations of David Z. Plavin, of New York, to be a Member of the Federal Aviation Management Advisory Council; Arthenia L. Joyner, of Florida, to be a Member of the Federal Aviation Management Advisory Council; and Sue Bailey, of Maryland, to be Administrator of the National Highway Traffic Safety Administration, 9:30 a.m., SR–253.

Committee on Energy and Natural Resources, to hold oversight hearings on the transportation of Alaska North Slope natural gas market and to investigate the cost, environmental aspects and energy security implications to Alaska and the rest of the nation for alternative routes and projects, 9:30 a.m., SD–366.

Subcommittee on National Parks, Historic Preservation, and Recreation, to hold hearings on S. 2749, to establish the California Trail Interpretive Center in Elko, Nevada, to facilitate the interpretation of the history of development and use of trails in the setting of the western portion of the United States; S. 2885, to establish the Jamestown 400th Commemoration Commission; S. 2950, to authorize the Secretary of the Interior to establish the Sand Creek Massacre Historic Site in the State of Colorado; S. 2959, to amend the Dayton Aviation Heritage Preservation Act of 1992; and S. 3000, to authorize the exchange of land between the Secretary of the Interior and the Director of the Central Intelligence Agency at the George Washington Memorial Parkway in McLean, Virginia, 2:30 p.m., SD–366.

Committee on Environment and Public Works, to hold hearings on the nomination of the following named officer for appointment as the Chief of Engineers, United States Army, and appointment to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601 and 3036: Maj. Gen. Robert B. Flowers, to be Lieutenant General, 9:30 a.m., SD–406.

Subcommittee on Fisheries, Wildlife, and Drinking Water, to continue hearings on the Draft Biological Opinions by the National Marine Fisheries Service and U.S. Fish and Wildlife Service on the operation of the Federal Columbia River Power System and the Federal Caucus draft Basinwide Salmon Recovery Strategy, 1 p.m., SD–406.

Committee on Foreign Relations, Subcommittee on International Operations, to hold hearings on exchange programs and the national interest, 9 a.m., SD–419.

Committee on Governmental Affairs, Subcommittee on International Security, Proliferation and Federal Services, to hold hearings on the state of foreign language capabilities in national security and the Federal Government, 11 a.m., SD–342.

Committee on Indian Affairs, to hold hearings on S. 2899, to express the policy of the United States regarding the United States' relationship with Native Hawaiians, 3:30 p.m., SR–485.

Committee on Small Business, to hold hearings to examine slotting fees, and the battle family farmers are having to stay on the farm and in the grocery store, 1 p.m., SD–628.

House

Committee on Commerce, to mark up the following bills: H.R. 3100, Know Your Caller Act; H.R. 2592, to amend the Consumer Products Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act; H.R. 3850, Independent Telecommunications Consumer Enhancement Act of 2000; H.R. 2346, to authorize the enforcement by State and local governments of certain Federal Communications Commission regulations regarding use of citizens band radio equipment; H.R. 1689, to prohibit States from imposing restrictions on the operation of motor vehicles providing limousine service between a place in a State and a place in another State; H.R. 2641, to make technical corrections to title X of the Energy Policy Act of 1992; and H.R. 1795, National Institute of Biomedical Imaging and Engineering Establishment Act, 11:15 a.m., 2123 Rayburn.

Committee on Education and the Workforce, Subcommittee on Employer-Employee Relations, hearing on How to Improve Pension Coverage for American Workers, 10:30 a.m., 2175 Rayburn.

Subcommittee on Workforce Protections, hearing on a Review of Mine Safety and Health: The State of the Industry Today, 2 p.m., 2175 Rayburn.

Committee on International Relations, Subcommittee on International Operations and Human Rights, hearing on H.Res. 398, United States Training on and Commemoration of the Armenian Genocide Resolution, 2 p.m., 2172 Rayburn.

Committee on the Judiciary, Subcommittee on the Constitution, to mark up H.R. 5018, Electronic Communications Privacy Act of 2000, 9 a.m., 2237 Rayburn.

Subcommittee on Immigration and Claims, to mark up the following: H.R. 4068, Religious Workers Act of 2000; and a private relief bill, 2 p.m., 2226 Rayburn.

Committee on Resources, oversight hearing on General Accounting Office review of Endangered Species Act implementation in Southern California, 11 a.m., 3124 Longworth.

Subcommittee on Forests and Forest Health, oversight hearing on Private Conservation Efforts: Lessons for National Forests, 11 a.m., 1334 Longworth.

Committee on Ways and Means, to consider the Debt Relief Lockbox Reconciliation Act for Fiscal Year 2001, 11 a.m., 1100 Longworth.

Next Meeting of the SENATE

11 a.m., Thursday, September 14

Senate Chamber

Program for Thursday: Senate will continue consideration of H.R. 4444, PNTR for China.

(At 10 a.m., Senate will meet in a joint meeting with the House of Representatives to receive the Prime Minister of the Republic of India, His Excellency Atal Bihari Vajpayee.)

Next Meeting of the HOUSE OF REPRESENTATIVES

9 a.m., Thursday, September 14

House Chamber

Program for Thursday: Consideration of H.R. 4942, 2001 District of Columbia Appropriations;

Consideration of the conference report on H.R. 1654, National Aeronautics and Space Administration Authorization; and

Consideration of the conference report on H.R. 4516, FY 2001 Legislative Branch Appropriations.

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